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SIXTEEN YEARS'

PREACHING AND PROCEDURE,

AT

WAREHAM, MS.,

BY

REV. SAMUEL NOTT, JR.

WITH A REPRINT OF THE

MEMORIAL, LEGAL OPINION, AND RESULT OF EX PARTE COUNCIL,

LAI D BEFORE THE MUTUAL COUNCIL, SEPT. 23, 1845.

BOSTON:

CHARLES TAPPAN, 114 WASHINGTON ST.

1845.

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INTRODUCTORY.

1. The printed Memorial, Legal Opinion, and Result of Ex Parte Council, have made it indispensable to print these documents. Happily, I have no need to attempt a defence. These documents are my deeds, and carry with them their own explanations. The summary, in part, at pp. 172, 173, and three or four extracts from the Memorial, may assist comparison. I leave to the diligent curiosity of the reader the numerous foot notes, as I do to his candor, to conclude that many things not explained at all, cannot be, as they are made to appear. When I read in the Memorial what I have said, I cannot be too thankful that I have "said" almost nothing; and that the mistaken statements of written documents with which the Memorial abounds make it the fairest possible conclusion, that the reports of fugitive words are likely to be as wide of the mark. With no other defence than the cotemporary documents contain, I leave the Memorial, Legal Opinion, and Result of Ex Parte Council, as a trio of "unaccountables," most fittingly united, side by-side with these declaratory acts, under the same category as I found the charges of 1838, with scarcely more need to vindicate myself than if the *three documents* united in pronouncing me of the *bodily stature of three feet ten!*

2. Besides the necessity, I have a right to the *convenience* of this pamphlet, to prevent, once for all, the occasion of speaking or writing of matters forced so extensively before the public. . . . Especially should that come to pass, which they say always does, in such cases, I choose to stand before the churches precisely as I am; and if I cannot, with these papers in my hand, find place as a Christian pastor, then shall they be the explanation, both why I am cast out, and why I am kept out, of the ministry, to which I have been sincerely, earnestly, and, I have hoped, in some humble sense, faithfully devoted. And if the churches have nothing for me to do, I will do the best I can to find something to do myself, which shall not be unworthy of the closing life of a Christian missionary and minister.

3. These papers will not be useless, if they teach the Rev. Dr. Hitchcock, in his efforts for the "promotion of pence and love," under his singular but "greatest sacrifice," that of "having anything to do in allaying the spirit of variance," that the offices of arbiter and advocate are not fittingly united in the same person; and that, if they were, it is as unsafe to undertake a cause *before he knows it*, as it is "prelatic" to put a clerical brother under *his* terms of non-interference.* . . . A Christian minister is, no doubt, bound to be the noble-minded advocate of oppressed churches or church members, *after* he has taken all needful pains to learn if they are indeed oppressed; but, alas! for the churches, when each minister shall feel him-

* See Correspondence, pp. 147, 148.

self at liberty, like a hireling advocate, to choose his side, *before* he has taken all due pains to know both sides.

I commend these papers also to the members of the *ex parte* council of April, 1844, and to their ten *almost* sustainers of September, 1845, in the hope that they will wonder at themselves for having so unaccountably abetted unaccountable declarations and proceedings; and that they will render their unfeigned thanksgivings to the overruling Providence, which has prevented their decisions, and *almost* decisions, from taking effect—from being exalted into precedents for the ruin of all ecclesiastical order, and all sound morality in this Commonwealth, and in New England.

As to the *Legal Opinion*, let it have whatever apology may belong to an opinion of lawyers for their clients; but let no one do “my learned friends” the injustice to suppose that *judge* Eddy or *judge* Coffin could possibly have uttered it, as a *judicial opinion* from the bench, with all the evidence in full dimensions before the court—could have thus weighed, in the even scales of justice.

4. In these personal and local matters, I come before the public only by constraint. But coming thus, I hope to render some public service. In a sense, *these matters are not personal and local*. They concern all churches, parishes, ministers and councils in Massachusetts and New England. In these changing times,—this long history, these careful and deliberate discussions, cannot be without some general interest and value; they cannot but prompt inquiry and reflection—cannot but aid in unfolding and establishing the principles on which our religious welfare depends. There is a right and a wrong, a true and a false, a reasonable and an absurd, in ecclesiastical, as well as in all human affairs; in dismissing ministers, as well as in the common business of life. Church members have no “dispensation” from the obligations of truth and righteousness; no “license” for making first the strife which needs a false peace, and then the false peace to end it; for “doing evil that good may come.” Nor may the “churches” in ecclesiastical council assembled, regulate their decisions by mere time-serving calculations, of what will make peace and promote usefulness, by the rules of prudence and expediency which an unbelieving foresight adopts; but by steadfast adherence to what is true and right, as the only method of durable prosperity. “In His days shall the righteous flourish, and abundance of peace, so long as the moon endureth.”

I believe it will appear to whoever shall read these papers, and the works therein referred to, that I am no opposer of revivals. But I trust it will appear how deeply I feel that *popular views of revivals need to be corrected*—that true revivals are hindered, not promoted by our human limitations of time, and place, and circumstance*—that they must be aided by the acknowledgment of the EVER-PRESENT SPIRIT, of lessons of faith beside all the paths of life, and of the intention and value of permanent methods and ordinances. . . . These principles I have attempted to urge in former publications; and I shall think the inconvenience of my position, or of the dismission which may be at hand, of small account, if I may aid thereby the diffusion and establishment of principles on which the success of the gospel at home and abroad so much depends. The popular mistakes are likely to land us in the torpidity of former times; and nothing will prevent it but a juster apprehension of the true mission of the divine Spirit—of the privilege and the danger under the “gospel, with the Holy Ghost sent down from heaven.”

* See pp. 6, 7, 20, and 84, 85.

PREACHING AND PROCEDURE.

FIRST PERIOD—FROM MAY, 1829, TO MAY, 1834.

Extract from Mr. Nott's Sermon, May 3, 1829, his first Sabbath in Wareham.

"As truly as Immanuel, God with us, ever visited our world; as truly as ever Jesus passed along through the towns and villages of Judea, so truly is the Holy Spirit *now* visiting our world, our country, our town—nay, *this house of God!* Nor can I more fully believe that Jesus sat in the synagogue of Nazareth, walked in the porch of Solomon, stood by the pool of Bethesda, or over the grave of Lazarus, than I believe that the Holy Comforter is *here!* that he has entered this town, and this house of God!

"Yes, he is here, waiting to be gracious. He is ready to visit every house which will open its doors to receive him; to visit every heart which is willing to be the subject of his power. He knocks at every heart. He offers himself as the inmate of every bosom. And in the name of Him, through whom this blessing descends to mankind, I publish to you these glad tidings, and say, as he said to his disciples, 'Ask, and ye shall receive, that your joy may be full.' "*

FROM THE "OBSERVER OF THE TIMES."†

New Year, 1832.

"The commencement of the year 1831 was marked, in the immediate sphere of the writer, with such scenes of religious interest as would ever make it memorable, if he had not seen the like in other places and heard from every part of our land of the progress of our exalted Redeemer. We confess that, amidst the rapid and extended

* See Sermons on Public Worship, p. 201.

† See Letter to Church Members, August 3, 1838.

blessing of the past year, we have sometimes been in haste to conclude The time has come! not merely for a sovereign gift of the Spirit, but *for the lesson of ages to become ripened*—for the word of God to convert the world, enforced by all the events of human story, and applied by that heavenly Agent, striving in all ages, even until now. . . . *Such a time will come*, casting all former revivals into the shade, and so plainly the result of ages of discipline and experience as will make the immediate instruments cast away their honors amidst grateful recollections and praise, while they see a nation born in a day.”

January 21, 1832.

“What has been called the *revival* spirit, is an advance from the narrow views and efforts of former times. Yet it has this defect, or rather, until the year 1832, it *has had* this defect, namely, that it has been *confined to the time, place, and circumstance of a special occasion*. We have broken forth upon the pagan world without regard to time, place, or circumstance; going every where and any where, preaching the word; attempting, expecting, and receiving great things. But *at home*, our best efforts and prayers have been confined to the spot of some special visitation, and within the time of a special half or quarter of a year! after which we have quietly waited the Lord’s time! Amidst the rising or lingering sympathies of a general revival, the Observer of the Times should join the chorus of the great company abroad, and call upon the churches, not for a few weeks of burning zeal in place after place, but for attempt and expectation, unceasing and growing, until it pauses in a universal conversion. When the attempt and expectation which mark a revival cease, the local church is guilty of just such disobedience and unbelief as would be chargeable on us if we were now to withdraw from the missionary service; and of just such inconsistency as if we were to be discouraged from the work by great and growing success. Who can tell what would result in our home circles, from attempt and expectation, unrestrained by regard to time, and place, and circumstance? Who will dare to say that a new development of grace might not speedily be made, at home, as remarkable as that which we have seen abroad?”

January 28, 1832.

“We see not our way to any extended reformation except by means of greater worth on the part of individuals and a greater number of such individuals in the country.—*Dr. Chalmers*. On the other hand, if there be not greater worth on the part of individuals and the number of such individuals bear not a much larger proportion to the mass of approved disciples if the steady labor be left upon the hands of a few, of a very few, and the mass of professed Christians allowedly retire from the work all but a sixth, or a tenth, or a twentieth of the time, it requires no great sagacity to predict the result. The present race of Christians, being called to reap the ripened harvest of the world will have proved as a body unworthy of their high calling. A few will be found, as in the darkest times, to keep alive and increase the light which will hereafter illumine the whole world; and again, for

a season, the hopes of sinful and suffering humanity must wait for a race of Christians *who will arise and shine when the glory of the Lord is risen upon them.*"

June, 1832.

"But the prospects of the age rest upon another question,—whether what has been hitherto isolated and single in the moral history of the world can be adopted into the general character—can become the tone of a prosperous, enterprising, and successful church. . . . What wonders will arise . . . when the purity of Nathanael, the prayerfulness of Daniel, the humble enterprise of Paul, the love of John, become the tone of a prosperous and growing church."

"The world is to be saved by no new discovery, or plan, or device. Spring and summer return every year in the old-fashioned way; and when, at length, the church shall look up and see verdure and beauty covering the moral world around the whole circumference of the globe, she will take up the old-fashioned song, which fell from the dying lips of Moses: 'My doctrine drops as the rain and distils as the dew, as the small rain upon the tender grass, and as showers that water the earth.'"

September 1, 1832.

"Religion, to a fearful extent in the church, is a matter of times and seasons, without a stay, except in a sympathizing community, declining from its warmth and vigor when the tide of anxiety without ebbs again. Her 'goodness' comes over her sometimes, in all the freshness and fragrance of the morning; then vanishes suddenly, like the morning cloud and the early dew. What else, even in the church, can ensue but barrenness and death, unless a more thorough repentance be awaked, unless we flourish in a more enduring revival. . . . Nothing will save *us* who are within the church but a *personal* religion, an actual keeping of covenant with God, an enduring to the end."

February 8, 1833.

"Let us not be too sure that matters will go on as they have done—that the churches will continue to have their *allowed declensions*, and yet their renewed and repeated revivals. On the other hand, who does not see that the *allowance of declensions must root out the revivals themselves*? . . . We know not where we are in the history of revivals. We may be nearer than we think to that dreaded period of which all the past forewarns, when they shall cease. Can revivals come up much longer out of allowed neglect? Or will the community continue to be awed and influenced by each new revival, when even a child's memory can tell how fleeting is that zeal, how little marvellous that light!"

March 23, 1833.

"When these things really take place—when God manifests and multitudes welcome his power and grace, *then* we have but a *specimen* of

the opportunity which was *before*, and will continue *afterwards*. Pentecost, with which revivals are often compared, was a *first specimen*, and not a single display of the grace of our exalted Saviour. . . . It was the outbreking of a fountain which would never run out, to which, in all ages, the multitude is called in those ancient terms: 'If any man thirst, let him come unto me and drink.' 'Whosoever shall call upon the name of the Lord shall be saved.' When that blessed day was over, the apostles continued their urgency, God his grace, and men their earnest application, and multitudes were added to the church daily of such as should be saved."

"We have often said to the disciples of a revival, 'If we knew you were converted we would not tell you.' It is a hindrance to have one's decision stamped immediately with the approbation of the whole circle of the pious. If the seal be misplaced, it may prevent a decision which might otherwise have been formed. If the seal be not misplaced, it may hinder a renewed and growing decision. It is well to be left unsustained by the opinions of man, if by that means your conversion may be more sure, or you may more readily grow to the stature of a perfect man in Christ Jesus. . . . Alas! how many have been hindered or destroyed by self-approbation or applause, preventing or perverting their repentance."

Extract from "Sermons from the Fowls of the Air," &c., 1834.

"If the pulpit and the religious press would render their proper service in the production and nurture of faith, it must be not so much by the power of their own immediate lessons, and of their own peculiar opportunity, as by directing attention to the lessons which remain; by which God gives line upon line, precept upon precept, beside the common path of life. And, on the other hand, must they be in fault, in so far as they adopt principles or employ methods which divert attention from the various appeals which God is constantly making to the conscience and the heart of man; which leave a vacancy of inspired instruction, and silence the full and glorious gospel, beside the path of life, where God appointed it to be heard."

"There may be reasons for an ineffectual gospel besides the general corruption of mankind. If the heathen are perishing because the gospel has not been *proclaimed* to them, the like condition of multitudes, in Christian lands, may be, because it is not proclaimed *along the paths of common life*. Or if the Catholic communities may have perished under the abundant pardons and licenses of an unearthly Christianity, it may be that Protestants have given a fatal 'indulgence' amidst the seeming severity of their claims. No wonder if the gospel prove ineffectual to the mass, if it be not carried down, with its offers and commands, to the business and bosoms of men; to the toils, and cares, and perplexities, and fears, and hopes of this mortal life: if it be not carried down to the scene of suffering and tears—to the infirmities by which men may have fellowship with their High Priest and Intercessor. What avails it that the new and living way is opened through the blood of Jesus, and the covenant offered which writes the law upon the heart, unless it reach down to our time of need? What avails the 'peace,'

unless it descend even to the 'earth;' or the 'good will,' unless it reach to 'men'? What avails the gospel, or its full publication, if the sound is not conducted along the paths of life—if it be not heard in the field, and the shop, and the market, and the counting-room—in prosperity and adversity, in fear and hope? A Protestant gospel, nay, the true and perfect gospel, must fail to bless mankind, if it be restrained within the pale of a Catholic or pagan opportunity. Let the gospel have scope; let it utter its demands and offers along the paths of life; and let men know that the man of infirmities, the High Priest, 'able to save unto the uttermost,' calls them to come boldly unto the throne of grace in their time of need."

"Come, then; embrace the opportunity of your frail and fleeting life. Have faith in God—obedient faith in all your need—and your single eye shall range the whole field of immortality. Come, with your heaviest burdens, if like a mountain weight; come, with your lightest cares—as light, as numerous, as the hairs of your head—as unimportant as a sparrow's fall. Come, and commune with your prepared High Priest, with the man of infirmities—the God 'who was made flesh and dwelt among us.' Not timidly, but boldly, come to the throne of grace. Come, and but say, 'Give me this day my daily bread;' bless me in this path of difficulty; guide me with thy counsel, and afterward receive me to glory;—that faith of the feeble spirit, in its frail tenement, shall join you to the Redeemer. You shall be 'in Christ a new creature. Old things shall be passed away, and behold all things shall become new.'"

"Preaching and Procedure," as printed 1839.

INTRODUCTORY LETTER.

Wareham, March 25, 1839.

SILVANUS BOURNE, Esq.: *Dear Sir,*—I herewith transmit a paper communicated to the church, April 9, 1834, and a sermon delivered May 4, of the same year. The sermon was asked for the press the day after it was delivered. I need not give my reasons for declining that request, nor for believing that the time has *now* come for its publication, with the paper read before the church, April 9, preceding. It is sufficient to say, that it has become at length necessary for the public to have, in a *brief and permanent form*, such a view of my "preaching and procedure," as these papers contain. I wish such an edition may be printed, that a copy may be given gratuitously to every family in town, not only that they may have a *brief and permanent view* of my "preaching and procedure," but an expression of the earnestness and steadiness with which I have endeavored to seek their present and eternal well-being. I submit this memorandum to your consideration with all confidence.

Your friend and pastor,

SAMUEL NOTT, JR.

COMMUNICATION TO THE CHURCH, APRIL 9, 1834.

On the renewal, for the third time, of a proposal for a PROTRACTED MEETING, I have chosen, in order to avoid all misapprehension, and to prevent the necessity of repeating it again, to make the following written reply,—being, in substance, the same as my verbal replies on two former occasions.

First. My own health is such as to render me decidedly incompetent to the oversight and guidance of meetings for four successive days, or of a *protracted meeting*; and I cannot see that such a meeting can be advantageously carried on except under the superintendence of the pastor. This reason, whether I regard my present or future usefulness, would be sufficient to govern my decision to decline, even on the supposition that protracted meetings are desirable, where this reason does not exist.

Secondly. I decline the more readily, whether on the above ground or others, because, by all consent, protracted meetings are no ordinance of God, and therefore, when proposed, are of course submitted by men to the best judgment of other men, whose co-operation may be supposed necessary. It is a case, of course, where I am both at liberty, and under obligations, to decide for myself.

Thirdly. Being, then, as I suppose, both at liberty, and under obligation, to decide, in a case where my co-operation and superintendence are proposed, I do therefore deliberately say, as I have already verbally done, *that protracted meetings are, in my judgment, a mistaken measure; that it is my full conviction that, ere long, they will prove themselves to be so, to the conviction of all considerate Christians; that, with their novelty, they will pass and be gone, leaving principles and habits which will retard the progress of the Redeemer's kingdom, unless and until those principles and habits shall be reformed.*

I believe them to be a mistaken measure because,—

1. They are at variance with those divine arrangements which call communities and families to the employments of life, and with that infirmity of the body and mind, by which God has rendered the soundest constitutions incapable of them; of course with that regularity and repose which the human constitution, even when in full strength, requires.

2. Because the advantage which they are supposed to afford cannot abide—cannot be woven in with the web of life like those which comport with the condition of man; and because the supposition of their advantage must leave the greater proportion of human life under an imagined disadvantage, whether for publishing or embracing the gospel.

3. Because the advantage which they propose—namely, a separation from earthly concerns as the best means of conversion and sanctification—is on the mistaken principle that earthly cares and toils and blessings, as divinely intermixed, are unfavorable to the commencement and growth of piety.

If there needed any proof that they are on these accounts a mistaken measure, it might be found in the progress to a grosser and still grosser mistake to which they are evidently proceeding. Who can help paus-

ing and thinking, when, instead of four days, ten, twenty, forty, fifty days are claimed as the best means of promoting the spread of the gospel. Can ten, twenty, thirty, forty, fifty days meetings be consistent with the divine arrangement for man? Can they be woven in with the web of life? Can they be on the principle that earth is a school for heaven?

My views are confirmed by facts in the history of the church, so notorious that the least informed are aware of them; proving that *evil* has at length prevailed over the apparent good, wherever the influence of the gospel has been sought in separation from the appointed condition and employments of life. Witness the monastery and the nunnery—places supposed of special advantage, because so separated, yet proving a hindrance, instead of a help, to the progress of religion in the world.

Fourthly. I decline the more readily, because so to do is more consonant with the principles and course of my ministry hitherto, and to which I feel myself devoted. By a figure which I have sometimes employed, and which needs no explanation, I have aimed to engage the church in the work, and to give the people the advantages, of a **THREE HUNDRED AND SIXTY-FIVE DAYS MEETING**. From this aim I cannot consistently turn aside to a meeting of *four days*, which, from its very nature, must be temporary and partial, and must render us so much the less able to yield to the other and more important proposal.

Fifthly. I have no fears that the gospel will fail of having "free course" among us for want of the proposed measure; because,—

1. I rely with confidence that the truth, dispensed in ways divinely appointed, and consistent with the condition and state of man, has the fairest possible opportunity for good effect.

2. Because, by all consent, the apparent success of protracted meetings has been mainly, or only, when the way was previously prepared—that is, *when success was current*—and fairly proceeding from other means.

3. Because I see growing signs of success. If the gospel fails of success, it must be for the want of other means than those which I decline.

But, *sixthly*, if protracted meetings, or any other device of man which were not inconsistent with just principles and habits, were regarded as *necessary to success*, then would the duty of declining be more imperious, in order that expectation might be turned and the glory of all success be given to God and his word alone. So much the more, as any human plans are relied on to give efficacy to the word, so much the less can they be conscientiously adopted.

I do therefore decline the charge of a protracted meeting, *first*, as incompetent in point of health, to a task to which, in truth, I consider all men incompetent; *secondly*, as evidently no ordinance of God, on which I am at liberty, and under obligation, to act according to my best judgment; *thirdly*, as a mistaken measure; *fourthly*, as out of keeping with the whole course of my ministry; *fifthly*, in hopes of free course to God's word without it; and, *sixthly*, as a measure *now* deserving to be declined, because it claims to itself the honor due only to the word, the ordinances, and the Spirit of God: and I pray that

God may so guide as shall give his word free course among this people.

SAMUEL NOTT, JR.

[“In 1834, Mr. Nott preached what has been called his trumpet sermon, and came out openly against all revivals, as we understand him.” *Memorial, September 23, 1845.*]

ANNIVERSARY SERMON, MAY 4, 1834.

For if the trumpet give an uncertain sound, who shall prepare himself for the battle?
1 Cor. xiv. 8.

These words contain a principle which reaches far beyond the occasion on which the apostle penned them. That occasion was the abuse of the gift of tongues, which some of the early disciples employed; when the speaker was but a barbarian to those to whom he spoke—when speaking words not easy to be understood, he but spake into the air; that is, uselessly, for naught. But the same reason which requires us, in our public assemblies, to use an intelligible language, requires us to use it in an intelligible way; and it is the proper claim of every public assembly that those who speak to them should speak so that their meaning may be known. This claim has every church and congregation, especially upon its own pastor, on all the matters he is called to lay before them, and, above all, in what may be considered the great truths of religion. He is a miserable watchman whose trumpet gives no distinction of sound, at whose blast it cannot be known whether it be for advance or retreat, and who leaves equally uncertain the path of safety and of ruin. Such a watchman is either base or incompetent, and, in either case, should be sent down from the watch-tower—if base, to answer for his crimes; if incompetent, to a place more suited to his incapacity.

I took special pains, this morning, so far as I could in view of the text* and the occasion, to present the great truths which require a gospel and belong to the gospel—to *give the trumpet a certain sound*—a blast distinct, if it *might* have been uncertain before. I took pains also to recall to your recollection the *same truths*, as distinct, as clear, as they have been published for years—line upon line, precept upon precept. Judge ye, then, whether the trumpet has given a certain or uncertain sound; whether you are not fairly called to the battle with sin and Satan; and whether the watchman or yourselves must answer it, if you come not off victorious?

It is five years this day since I first opened my lips as a public teacher in this place; from which time it has been my aim to declare the *whole counsel of God*; speaking at least with all honesty, without the least reserve, the convictions of my own mind, as far as I have been able, in all the simplicity and in all the variety of the Bible; yet I

* Luke xix. 10: For the Son of Man is come to seek and to save that which is lost.

have thought ever holding forth, with a clearness and constancy which could not be mistaken, the great truths involved in the discourse this morning, and those which have been referred to in it. Shall I say more? Those truths of the Bible are *personally true to me*, as a *man*, expecting to die, living in the school of preparation, and trying to accept the gospel *for myself*. They are the truths on which *I* live, and by means of which only *I* have hope in death. They are the truths which God has taught me in the discipline of a varied life, inwrought into the whole history of my daily experience for nearly thirty years. Do you ask what truths? I will tell you again, that there may be no possible misunderstanding, namely, that man is a sinner, absolutely and eternally lost and ruined without the gospel, sought and saved only by the blood and Spirit of Christ; that the sinner, remaining impenitent, and unforgiven, and unrenewed, remains lost forever; that the saint—that is, the penitent, the forgiven, the renewed man—the sanctified man *alone* is saved by Him who came to save his people from their sins. I say, these truths I seem to myself to have learned over again and again a thousand times, amid the scholarship of life. They are truths which experience has forced upon me, and taught in ten thousand different ways, so that I may say, with the scholar of the schools, “The lesson is conned by heart;” so that it seems impossible for me to keep it from the lip; so that I cannot conceive it possible for me to have missed a Sabbath or a day in which these essential truths have not dropped, I say not as purely and as profitably, but I might *almost* say as constantly, as the rain, and distilled as the dew. Or, I may say, amidst the discipline of life, God has *engraven* these truths upon my inmost soul as with a pen of iron, and with the point of a diamond, until, to a people where my whole heart has been freely laid open, I cannot conceive it *possible* that they can be doubted as the truths of my *personal* hopes and of my ministerial work. Believe that man is a sinner, totally ruined, without Christ and without his Spirit; *saved* only by repentance and remission of sins; repenting only by the power of the Spirit; lost forever unless made a new creature in Christ Jesus? Do I believe these truths? Believe them! I learned them from my father and my mother with the first lessons of my childhood, and they were the truths which hedged me up in early life, to look forth for the Saviour and the Spirit; which bowed me, as I trust before the throne of grace; which have made me anxiously desire that the pure work and the full work of the Spirit might be wrought upon my heart; which made me resolve to devote myself to the ministry of reconciliation, and which made me forsake my country to publish salvation from *sin* among the perishing heathen. They are the truths which God has forced upon me at every turn of life, in every trial, in every necessity—truths which I have believed when sickening unto death, when expecting every hour to sink in the ocean, and when trying to meet with patience, and submission, and prayer, the more enduring trials of life. Shall I say that I *believe* that *I* and *all* are lost without Christ and without the Spirit—without repentance and conversion—without the new birth and the growth of piety to the stature of a perfect man? Believe them! Rather may I not say, as I have said more privately, *I feel them to my very fingers’ ends?* And I should as

much wonder to be asked if these are the truths of my ministry, and my person, and my life, and my hopes for eternity, as to be asked, while I move my hands, my lips, and my eyes, before you now, if I am a living man?

Judge, then, my astonishment to have learned, in ways so various and so remarkable as to *demand* this public notice, that these truths have been thought to be withheld, or at least hidden or obscured, when I have supposed that they were as clear as that I am a living man. If I have been misunderstood, and if I fail to make myself *now* understood; if I fail to awaken former statements in your memory, and if I have thus hazarded the immortal souls committed to my care, when I have thought myself pleading with them in view of all the consequences of sin; though I have tried to "be gentle among you, even as a nurse cherishes her children;—*then* shall I believe myself to have been visited for five years with the very contrast of Balaam—that some *evil spirit* has transformed the words of my mouth, as they have flowed forth the fullness of my heart, and that, when I have thought I was uttering the curse, it went forth a blessing; and when I thought I was uttering a blessing, it went forth a curse; and that even *now* my tongue may prove spell-bound, and be false to the firmest opinions and deepest convictions of my heart.

But is it so? Has this ministry for five years left the great truths of religion unsaid—line upon line, precept upon precept—or darkly and obscurely said? Give me leave to ask, amidst the recollections of this day with the truths of years clustering before your eyes, sounding in your ears—give me leave to ask,—Is there in this house, man or woman, who is ignorant what my views have been and are, of the character and prospects of man without the gospel, and what is the method of recovery proposed by the gospel? and if to-night I should be called to give an account of the ministry which I have received of the Lord Jesus; and the memory of the church, and the memory of those out of the church, were to be brought in evidence before my Master and yours, would a single tongue be found to say that the entire and total ruin of the sinner had not been the principle on which my whole ministry had proceeded—that it had not been singled out, and insisted on, and labeled, as *the first lesson of salvation*? or that I had spoken of any other way of recovery but the blood and the Spirit of Christ, through forgiveness and repentance, through the renewal and the sanctification of the heart? Would a single tongue be found to say that the distinction between saint and sinner had been forgotten; that I had missed to say that the sinner, remaining in his sins, is lost and ruined forever; and that, never until he became a saint, not in name only, but in deed and in truth, in his inward soul, can he have eternal life? or that these great truths had been brought forth so blindly, so darkly, as not to be seen; or so far between as to be forgotten, amidst the smooth things of the prophet's lips? that, for the most part, the trumpet had given too uncertain a sound to wake the preparation for the battle with sin? that *he that believeth shall be saved*, had hidden its partner—*he that believeth not shall be damned*? and therefore that the blood of souls would be found on my skirts?

Or, on the other hand, *could* there, *could* there be found man or

woman whose ear has been so deaf, or whose memory has proved so treacherous, that they would not bear me witness that I have ever stood before you in the character of a sinner myself, lost and ruined without the gospel, and hoping from the gospel *only* by being with Christ and *with* the Spirit—repenting, believing, obeying? *Could* there be found man or woman, who would not bear me witness that, with the steadiness and continuance and determinateness of one schooled for a quarter of a century into a deeper sense of his own sinfulness, and into a simpler desire and earnestness for the Holy Spirit, I have uniformly declared these essential truths; that, for the space of five years, I have not ceased, with growing clearness and earnestness, as a watchman, to warn men to turn from sin to holiness, *by the Spirit of the Lord*, as the only possible salvation?

Or, if the appeal were to be made to hundreds of neighborhood meetings, in which, in all the variety of ever changing occasions, I have been called to utter all my mind on the great subject of religion, or to thousands of family visits and individual conversations, renewed with a constancy of almost every day, might I not, humbly, in view of the plagues of my own heart, but *decidedly*, from school-house and dwelling-house, where we have met in many a solemn assembly, and from hundreds of individuals whom I have tried to guide in the way of peace, claim the testimony that my message, in every social meeting, by the fireside and by the roadside, has been that man's ruin, without Christ and without the Spirit, is entire, total, remediless; and that salvation is begun and finished only by the renewing and sanctifying energy of the Holy Ghost?

Or, if the appeal were to be made to those whom it has been my lot to meet on beds of sickness or around the dying bed, might I not ask, confidently, whether, in the hour of extremity and fear and anguish of soul, I have ventured to apply other medicine than the balm of the gospel, or to direct to other physician than the divine Redeemer? Whether the Spirit, renewing and sanctifying the heart, writing upon it the law of God, has not been insisted on *gently*, but *decidedly*, as the only preparation for entering into rest? And if the veil that separates from our sight our departed friends could be withdrawn, should I fail to see at this moment smiling witnesses among the blessed, or to hear the testimony on which, *possibly*, the Saviour may yet give *me* a blessing with the blessed; when, in view of spirits whose path to heaven I may have aided, ever so feebly, He shall say, "I was sick, and ye visited me with the lessons of salvation!"

Or, could there be found *one* to say that these great truths proclaimed with the lips were disallowed in the life? that the doctrine of the pulpit and the pastor were annulled by the neglect of the man? that except on regular or irregular occasions of religion, the question of saint or sinner, were a matter of indifference? or to deny that, though "in weakness and fear and in much trembling," I have been among you from day to day and from week to week and from year to year, without *an allowed interval*: living as well as speaking on the principle, that *earth is the school for heaven*; where amidst the lessons of Providence, the sinner is taught and disciplined by the word and Spirit, until sin is destroyed and holiness obtains eternal dominion in the soul: and from which he who will not learn departs to endless sin and sorrow.

And I ask, if my ministry, with all its imperfections, were to close to-night, whether in regard to the great truths to which I have referred, I should not have left a testimony, clear, distinct, repeated, urged and renewed, which it is impossible to forget and for which every one will have to give an account.

Tell me, if this ministry were to close to-night, is it *possible*—can I think it *possible*—that over my closing grave, it would be said, or even debated, that those silenced lips had abused their power to tell the sinner that *in his sins* he was in the way of life—that while I have been learning more and more the plague of my own heart, I have stood in this place and passed from house to house to make others think less and less of theirs? that while I have sought more and more earnestly the omnipotence of the Spirit, I have taught other men to cherish their native good in order to be saved? or, that sinner as I am myself, I have offered but the invitations and kept back the warnings of the gospel? Such a *partial* publication was natural to the sinless angels on the plains of Bethlehem. The voice of the heavenly host might sing only “Glory to God in the highest, on earth peace and good will to men:” but not so a sinner struggling with sin.

If then, the entire, total sinfulness and ruin of man without the gospel, and the only way of recovery by the blood and Spirit of Christ, be the clear, repeated, constant principles of my ministry, permit me to call to consideration in this matter, the members of this church and all others of this assembly.

I ask then, *first*, of each member of the church, have *you* welcomed to your own bosom the principles of my ministry? When again and again I have spoken of the sin and ruin of man, and the only method of salvation, have *you* welcomed the truth with the inward acknowledgement—*I am a sinner—my heart is corrupt—Lord renew my heart*, if it be still unrenewed—and if it be renewed, sanctify it by the daily, hourly incomings of thy grace? And when again and again, I have urged over your Christian path the warnings and encouragements, which met its beginning; when I have preached the same gospel to the *church* as to those *out* of the church, have you resolved at all times and all seasons, to proceed with renewed repentance and faith, from strength to strength, never ceasing either pains or prayer, until every one of you shall appear before God? Or, when I have urged you to put forth effort and prayer for the conversion of all around you, have you been ready, are you now *ready*, to say each man to his neighbor, “know the Lord,” until all shall know him, from the least to the greatest? When I have met this community with words “profitable for reproof and for correction and for instruction in righteousness”—with the great principles of the word of God—have you labored and prayed that that word might have free course and run and be glorified? Have you taken up the warning of the pulpit in its deepest solemnity—the invitation of the pulpit in its most earnest entreaty, and given it wing and power by your diligence in labor and your importunateness in prayer? Or, will you now—will you from this hour—labor and pray that the great principles of the gospel referred to this day, may run and be glorified? *Will* you by your example, your words, your purity, your zeal,—*will* you pursue the work of saving yourselves, your

children, your kindred and the world from sin and ruin, present, growing and eternal? Will you co-operate with my feeble efforts to *fix* these great truths *indelibly* in the public mind? Will you do it *now*—will you try to do it *steadily, perseveringly*, with *growing* zeal? Will you do it in your families? will you do it in the field? will you do it in the street? will you do it when the public is moved to ask, what shall we do to be saved? and will you do it the *more*, when men seem most to forget that they are sinners, and that they can be saved only by the blood and the Spirit of Christ?

And will you prove that you believe these truths by struggling against your *own* sin and striving for increasing holiness? Will you prove to your neighbors that you believe that man is a ruined sinner, and that he must be saved and may be saved, through sanctification of the Spirit, by *resisting sin in yourselves* and carrying the gospel to others—now and until you die?

I seem to hear your voice uniting with a resolution which for many years I have tried to form—*Yes we will.* Yet I hear with trembling, while I say with forewarning, ye *cannot* thus serve the Lord; for he is a holy God: he is a jealous God. If, after this promise, ye turn aside from his service; if ye forget that *yourselves* are sinners, and that he is able and willing to help *yourselves*; if you turn from Him to coldness within and neglect without; then beware lest he consume you even after that he seemeth to have done you good. But after this caution and this forewarning, I seem again to hear you say, “Nay! but we will serve the Lord!”

Be it so. Ye then are witnesses against yourselves, that ye have chosen you the Lord, to serve him. Now therefore, search out every false principle, every evil habit, every besetting sin, and put them away; and the Lord incline us, pastor and church, to live and act and speak and teach and pray, on the acknowledged and awful truths, *we* are sinners—all are sinners—ruined forever, unless we are cleansed by the blood and the Spirit of Christ: and let us teach, every man his neighbor and every man his brother, saying, Know the Lord; never ceasing until all shall know Him, from the least to the greatest; until the covenant is fulfilled, which writes the law upon the heart and puts the truth in the inward parts!

I turn now to those who are without the church; or rather to those who are conscious that they have not been renewed by the Spirit of Christ—that they have not turned or been turned, like the ancient saints and apostles, from sin to holiness. And I say,

Could I for one moment suppose that until this hour I had left unsaid, or said obscurely, the great truths which have waked in myself the fear of eternal ruin and the struggle and the hope of everlasting life: could I suppose, that until now, you imagined that my testimony made sin a light burden, or showed salvation waiting only on the unaided powers of man, and mingled in one common mass saints and sinners—I would make on this spot a confession as public as my crime—which you should never forget; and I would call from these walls an echo for the truth as it is in Jesus, which should not die, until every tongue now before me should be mute in the grave.

But if, on the other hand, I have spoken with no obscurity; if I

have spoken in a thousand different forms and on a thousand different occasions, these great truths; if upon the walls of this new temple, I have been enabled to inscribe the truths which were graven on the walls of the old; if the great truths that man is a sinner, ruined—entirely, totally, eternally—without Christ and without the Spirit, and saved only by the application of the blood and Spirit of Christ, are so fixed as the doctrines of this house that even when you sit in silence they must seem before you like a hand-writing on the wall—so sounded forth that their echo cannot die;—if the trumpet of the watchman *has* given no uncertain sound—gives *now* no uncertain sound—one question yet remains,—will *you* prepare *yourselves* for the battle, by which you must conquer sin and win the crown? In asking this question, I do not single out man or woman and ask some two or three, some ten or twenty, some fifty or hundred—will *you*? nor *now* especially with regard to a more favorable season—but of each and all—*on the broad ground of truth—unalterable truth!* Will you hear renewed, from the lips of a sinner who has struggled many years with sin, that man is a sinner; that *yourself* are a sinner; guilty, corrupt, lost—lost forever, unless sought and saved by the Son of man? Will you hear the voice, Flee from the wrath to come: will you let it sink into your soul so deep that it can never be forgotten?

Will you hear the voice which addresses you, still as a prisoner of hope? Will you hear the crucified Redeemer, saying, “Look unto me and be ye saved.” Will you hear the freeness, the abundance, the urgency of his call, “Ho every one that thirsteth come ye to the waters; and he that hath no money, come ye, buy and eat, without money and without price?” Will you hear the assurance and the warning, “He that believeth shall be saved, and he that believeth not shall be damned.” Will you prepare yourselves for the battle in which sin is to be conquered and the eternal crown won?

In the great question which I bring before you *times and seasons vanish*; while the solemn and awful truths of *all times and seasons* stand in array before you. And I would so leave that question before you, that if this hour should close *my* ministry, or *your* opportunity, the crown of righteousness might not be missed by any one of you. In view then of truths which never change, in view of the sinner’s ruin and the saint’s reward, in view of the pains of hell and the joys of heaven, I call upon you to enlist under the captain of our salvation.

Are *you* a sinner, exposed to ruin, and will you delay to a more convenient season, to accept the grace of the Saviour? Are *you sinners*, and will you delay for a more convenient season before you will hasten like a cloud, or as doves to their windows? Will you follow and obey an Almighty Saviour? And when I need an epistle or letter of commendation from you, in proof that the great principles of the gospel have been urged and re-urged upon you, may I say, Behold an epistle in these, who have turned from sin unto holiness and from the power of Satan unto God.

But it is not for myself that I plead. I have not forgotten the warning, often received, that the unfaithful watchman will have to answer for his ill success at the highest tribunal: nor that the faithful watch-

man will find a personal reward, notwithstanding the failure of his warning: yet in either case *you* may die in your sins. And I ask, will you hazard it by delay? Look around you, near-by or remotely and see the signs of the progress of the gospel. What think you? At the present rate of entering the gate and walking in the way, is it likely that this assembly will be saved? Alas, my hearers! A marvel must occur, or there are seeds of ruin thick scattered in this assembly, that will never be plucked up; fruits, ripening into ceaseless woe; leprous spots, that will never be cleansed away; sins, sharpening their envenomed point into the stings of an endless death; a rebellion against God, which will call forth, at length, his overwhelming wrath. Neglect will not hinder the approaching calamity—indifference will not—promise for the future will not—impenitence will not—prayerlessness will not—the course in which many of you live will not—twenty years more, like twenty years past, will not. Nothing will—but the prayer and repentance and faith and love which Jesus has brought to earth and giveth by the Spirit—to the rebellious too—that the Lord God might dwell among them. Hasten then, to the work—to the struggle by which the sinner enters the straight gate, and walks in the narrow way. Hasten to receive the Spirit that strives with you—the Spirit to aid and teach you. Hasten to the conflict with sin and Satan, along the paths of life; to the throne of grace which is opened over every head; to the great High Priest and Intercessor, who meets you amidst all your necessities. Hasten to the discipline of earth, and press toward the mark for the prize and for the crown.

Which of you? How many? I say not ten, or twenty, or fifty, or a hundred. If I proclaim the sinner *lost*, I proclaim that alarming doctrine to ALL; and if I proclaim a Saviour able to save unto the uttermost, I will not *limit* the offer or the urgency, but call you to the blessing, “Whosoever will, let him take the waters of life freely;” and whosoever will not, *must* be *lost*. How bitterly lost! how irrecoverably lost! how lost forever! and forever! when he falls from the grasp of the Infinite Redeemer! Alas! for you, if you will not hear the voice which offers salvation this day to every house. “The Son of man is come to seek and to save the lost.”

Postscript.

Wareham, April 11, 1839.

And now did the TRUMPET of May 4, 1834, give an uncertain sound? Or have I so lived and taught among you for another five years, as to make that sound forgotten? Or may I not rather renew the appeal, p. 16, “If my ministry, with all its imperfections, were to close to-night, should I not leave a testimony clear, distinct, repeated, urged and renewed, which it is impossible to forget, and for which every one will have to give an account?”

In sending forth, then, this view of my “preaching and procedure,” taken midway in my ministry among you, I am chiefly anxious that you *yield* to the urgent Appeals which I uttered on the ground of the clear, repeated, constant principles of my ministry; now, as we are closing the tenth year of our relation to each other, I ask church

members to yield to the urgent appeal, pp. 16, 17. I ask the whole town of Wareham to *yield* to the urgent appeal, pp. 17, 18, 19. I cannot better express my earnest desire and hope in your behalf, than in the following extract from my discourse, Jan. 28, 1838.

“O, if any thing is wanting to make the grace of God effectual among us, beyond all that has been before, more reaching to every house and to every heart, more purifying, and more rich in every thing that is lovely and of good report, to give it course more deep, and thorough, and lasting, and growing, it is not, let me say, *more truth*; nay, it is not *a new and special dispensation* of the Spirit of truth, but *that you take heed to the truth* already urged upon you; and to the SPIRIT, who accompanies the truth from Pentecost to this very hour!

“Yes, under this same truth—these words of spirit and of life—under this same SPIRIT, shed forth from our ascended Lord, *there may be at hand success to God's word, more extensive, more reaching to every house and to every heart, more pure, and deep, and lasting, and growing, than either we or our fathers have known.* But if it be, it can be only on the unchanging and eternal principles of God's word, and by *taking heed to those principles* as we have never done before; by our *mixing faith* with the words we hear; by our believing welcome of the EVER PRESENT SPIRIT.”

And in aid of this high desire and hope, can I do better than to send now abroad on this sheet to every house the urgent invitation to public worship which I gave in all your districts in the autumn of 1837, which I renewed for the space of two months as a public officer from the pulpit in the months of August and September, 1838? I hope, indeed, in a few months, to offer you and the public at large a volume of three hundred pages, entitled, “Views of Public Worship, suited to the Times,” embracing my discourses on that subject, and those on the principles of my own ministry, from January, 1838, to February, 1838. This work, with its companion, “Sermons from the Fowls of the Air and the Lilies of the Field, or Lessons of Faith beside the common Path of Life,” published in 1834, will give a fuller view of my “preaching and procedure.” Meanwhile let me call, if I can, upon every house, with trumpet tongue, to come to public worship. I call hundreds of absentees, not to fill an empty house—for I know none better attended than my own—but to crowd and over-crowd a full one; to fill every house. At least, let me ask this, as I did for the pleasant month of October last, now for April, May, and June, the pleasantest months, the opening paradise of the year. Crowd and over-crowd every house of public worship for the months of April, May, and June.

Perhaps He who has put this small request into my heart, will, if you comply with it, so crown your coming and your calling one another to come, with his blessing, that, before April, May, and June are past, the one joyful exclamation of the whole people will be, “How amiable are thy tabernacles, O Lord God of hosts! The Lord will give grace and glory. No good thing will he withhold from them that walk uprightly. O Lord God of hosts, blessed is the man that trusteth in thee!” Then shall the spring of 1839 surpass in blessings all that we or our fathers have known.

LOVED BY THE LORD GOD OF HOSTS, BLESSED IS THE MAN THAT TRUSTETH IN THEE!

SECOND PERIOD, FROM MAY, 1834, TO JANUARY, 1838.

Articles of Agreement between the Church and First Society, February 18, 1829.

1. The church shall have the sole privilege of inviting a candidate to preach on probation; and, if he be approved of, both by a majority of the church and a majority of the society, a call to settle as their pastor shall then be presented for his acceptance.

2. The church, in connection with the candidate, shall have the privilege of selecting and inviting the ordaining council.

3. The minister who may settle with us shall have the sole control of his own exchanges, without the interference of the church or society.

4. To dismiss a minister, shall be in favor of his dismissal both a majority of the church and a majority of the society. He shall, in that case, be dismissed, by the advice of a council.

Terms of Mr. Nott's Settlement.

Voted, May 25, 1829, to concur with the church in giving the Rev. Samuel Nott, Jr., a call to settle as their pastor.

Voted, That the conditions under which the parish agree to settle Mr. Nott are, that Mr. Nott shall have the liberty of dissolving the contract, by giving the parish six months' notice; and the parish reserve the liberty of dissolving the contract, by giving Mr. Nott six months' notice.

Second Article of Warrant for Parish Meeting, June 1, 1837, issuing in the subjoined Vote.

2. To discuss and act on the important question, whether the parish will provide the means to pay their pastor, or give him notice that the connection between him and the parish is dissolved.

Wareham, August 4, 1837.

Rev. Samuel Nott, Jr.: Dear Sir,—On Monday last, the undersigned were chosen by the First Parish in Wareham a committee for the purpose of informing you that said parish on that day passed the following vote:

“That the First Parish in Wareham give the Rev. Samuel Nott, Jr., notice that his connection with said parish be dissolved at the end of six months from this date, and, after that time, he look to the subscribers, who have or may subscribe to his support, for future compensation for parochial services.”

And we hereby communicate the same to you officially.

With great respect and high esteem, your obedient servants,

ABISHA BARROWS, }
SILVANUS BOURNE, } *Committee.*

Wareham, October 24, 1837.

Rev. Samuel Nott, Jr.: Dear Sir,—Your letter of the 20th inst. is received, in which you request written information “of the history and state of the subscription referred to” in our former communication.

First, of its date. July 18, 1832, a subscription book was circulated among your parishioners, the terms of which were, that half be paid in December and half in June annually; and that it should continue until the subscribers individually should signify in writing to the clerk that he or she wished it altered, by enlarging, diminishing, or discontinuing his or her subscription; and, in case too much was subscribed, the parish committee should deduct such a per centage from the amount of each individual subscription as should reduce the whole to the wants of the parish.

Second, of its amount when first made. In the book aforesaid there was subscribed the first year \$51.

Third, of the amounts available on each successive year.

In 1833, \$660 73, a surplus of \$120, which went to pay debts.

July 1, 1834, 392 29, a deficiency of \$30, 10 per cent. not called for.

“ “ 1835, 575 72, even.

“ “ 1836, 413 30, deficiency of \$150.

“ “ 1837, 543 01, and the parish in debt \$262 92.

Fourth, of the modes which have been taken to check or increase that amount. The collectors twice each year have solicited aid from non-subscribers, and received what the subscribers were willing to pay, without legal coercion.

Fifth, of the results, whether of deficiency or of surplus, after experiment to the date of the vote of the parish. This answered in the third.

Sixth, of the method of raising funds, and their results previous to the method of subscription. Before this method was adopted, we raised the money for parochial purposes by taxation. This became unpopular, and sometimes not more than two-thirds of a tax could be collected without legal process, which was not in any case resorted to.*

We would further state that the parish owns thirty-five shares in the Wareham Bank stock, which has yielded from \$210 to \$245 per annum, subject, however, to a tax of \$10 or \$12 per year, and other expenses, besides paying our pastor, has averaged about \$50 per year.

With respect and esteem, your obedient servants,

SILVANUS BOURNE, } *Parish*
ABISHA BARROWS, } *Committee.*

Wareham, November, 1837.

Messrs. A. Barrows and S. Bourne, Committee of the Parish:
Dear Sirs,—Having, I trust, duly considered the vote of the parish, communicated in your letter of August 4, I submit the following answer:

1. If the six months' warning had been unconnected with any refer-

* In 1830, 1831, exactly as in 1841. “One third of it could not be collected without losing the parishioners.”—See Memorial, 1845.

ence to my subsequent holding the pastoral office here, it would require no other action on my part than to request the church to unite in the usual measure for my ecclesiastical dismission.

2. As, however, the parish, in their vote, do actually propose my continuance in office on a new tenure, namely, that of looking to "the subscribers who have or may subscribe to my support for future compensation for parochial services;" and, as I find myself still received by the people as their fixed and settled pastor, and with all affection, as much as at any time since my settlement, I conceive myself called upon for an answer touching that proposal.

I have nearly copied, thus far, from my former letter to you, requesting information on the subscription referred to in the parish vote. From your answer of October 24, I learn as follows, namely [See former page.]

I take it for granted, as no other cause has been mentioned, that the vote of the parish is grounded on the facts which I have here recorded; that they do not see cause for retaining their united responsibility on a subscription which thus falls short of its original face, and brings them into such indefinite and growing arrears. This being the case, I presume it is not expected that I shall accept it in the state of decay, when they have determined to decline it. At any rate, I do decidedly, and without hesitation decline the proposition of retaining the pastoral office on this new tenure. If my circumstances admitted accepting a subscription on the footing proposed, I certainly would not accept a proposal so likely to put your parish affairs at loose ends. If that were not hazarded, however, it is out of my power to pledge myself in the indefinite manner referred to. I am the more ready to answer with the same wisdom which decided the parish to decline the responsibility from having once tried a similar experiment to which you will allow me to refer.

Three years after my settlement in Galway, I became acquainted with the fact that the society was in debt to its two former pastors \$700, and to me and sundries, \$300; that that debt had accrued from the natural decay of their subscription list; and from the practice of supplying that natural decay from year to year by using a portion of each succeeding income to pay the arrears of each preceding year—of providing for the past by anticipating the future.

On becoming acquainted with this state of the funds, and this habit of a dozen years' standing, in order to secure justice to all parties, and to bring the society to the only principle on which their interests could be sustained, I made a written communication to the trustees, offering to do my own part in the payment of those arrears, and to check them hereafter on nearly the very principle now offered in the parish vote, namely, that I would receive thereafter such an amount as the trustees should announce to me as available for each ensuing year, be it more or less, or resign. Under this provision I went on three years, receiving, instead of my original salary of \$600, \$550, \$500, and \$400 successively; until at length I took measures for obtaining a more favorable settlement, which issued in your application to me, April, 1829, and in my settlement as your pastor the July following.

It is due to myself and to the value of my experience in the matter

to say, that all this occurred among an affectionate people, without the least unkind feeling, and while the society were disposed unanimously to continue the relation. I have the documents lying before me while I write, which plainly show this. Thus, under date of April 14, 1828, the trustees, in making certain propositions, say, "The trustees, and, so far as we know, the whole congregation, regard you, in your public and private ministrations, with profound respect and unfeigned esteem; and that the diminution in the amount of subscriptions for the support of the gospel in this place is owing to causes wholly aside from any thing like dislike to the present incumbent of the desk." [A reference to the renewed subscriptions and offers in salary, and my reasons for accepting the call at Wareham notwithstanding, and for refusing to accept an irresponsible subscription list in Wareham after my experiment, having been given, the letter proceeds.]

The terms of my settlement leave *me*, at this point, nothing to do but to take, in due season, the measures for my ecclesiastical dismission. It remains for the parish to take any measures to arrest this proceeding which their sense of duty or feeling of kindness may suggest. I pray that they may seek and find the direction of Infinite Wisdom.

I shall only say, with regard to myself, that I have no desire to resign my charge—no willingness even, to seek for a new settlement and new friends. Amidst the pungent mental suffering of removing from Galway, I said a hundred times to myself, "Never move if you can help it;" and I have repeated it perhaps a thousand times since I have lived among you. Of course, on the presumption implied in the parish vote, and in all the kindness which I daily find among you, that a continuance of my services is still desired, I have no hesitation in saying that I am perfectly ready to renew our contract, actually cancelled by the late vote, on any terms of *adequate responsibility*, on a subscription list even, if the parish take, as heretofore, the responsibility. After all my experience, however, I may express my conviction that a *subscription list* which does not provide in its *own terms for every annual arrear, and for its own natural decay*, will be found *such a method of arrears* as will be a perpetual source of embarrassment, and be ever tending to the separation of pastor and people. It is, I believe, one of the chief causes of the lamented frequency of such separations in our country.

[Omitting a reference to my private affairs, the letter concludes:]

However my future course may be ordered, I pray that it may not be without an increase of my usefulness on your behalf; and that I may not be left without the sustaining and guiding hand which I have endeavored to acknowledge, and have seemed joyfully, in all former darkness and difficulty, to find. With my best wishes for the welfare of the church and parish, I shall betake myself to the duties that remain within the scope of the parish vote, and to all others which may arise out of the future proceedings of the parish.

With great regard for yourselves and your constituents,

I remain your affectionate pastor,

SAMUEL NOTT, JR.

N. B. The parish vote was reconsidered, and the contract renewed, Jan. 10, 1838.

THIRD PERIOD, 1838—1840.

To a Meeting of Church Members met by Public Notice, at the Meeting-house, August 3, 1838.

Dear Brethren,—I was informed by Deacon Jeremiah Bumpas, who requested me to give notice of your meeting, that it was to be with reference to the dissatisfaction of certain members of the church with their pastor, and that, in matters with which I was already acquainted. Of course I understand them to be the same as were referred to at a similar meeting, Feb. 14, at which I was requested to answer certain questions with regard to my religious views, proposed chiefly by those who were understood to be dissatisfied.

In expectation that I might be requested to attend and answer at that meeting, I had designedly, as, on being sent for and meeting you, I stated, put myself out of your way, on the ground that all explanations were needless in the case of a minister who for eight years had been conversant among you, and whose printed works were in your hands, and in the hope that, with the knowledge of me which you had, you would *choose your course*, without consultation with me. With much prayer that you might be guided aright, I had cheerfully left my cause in the hands of my Master, and was abroad endeavoring to pursue his work, when I was sought by one of your number, and came to meet you at your request. Unnecessary as explanation seemed, however, I did answer frankly your questions, and left you, in the hope that what I understood to be a small minority of the church would see their misapprehension, and join with their brethren in receiving at my hands the truths of the gospel, and in earnest and prayerful co-operation with me in my ministerial work.

I regret most deeply that in this hope I am disappointed; and I take it for granted that your present meeting is not called without reference to some issue of the matters before you last winter. I consider it therefore my duty to say that it is time, at this stage of your proceedings, to decline *mere verbal communications*, which, of course, are gone as soon as uttered, and that henceforward it is needful to proceed on *written documents*; unless, as I would fondly hope, this present writing may finish, to your entire satisfaction, the whole concern. The present document is prepared, (1) That nothing may be wanting to the dissatisfied brethren, in order to bring their dissatisfaction to an issue; (2) That those who are satisfied may be able to review and understand the grounds of their satisfaction, and that both may be able to decide their duty in regard to whatever question may come before them, whether in regard to my ministry or their mutual fellowship as members of the church; and, lastly, that all may see the grounds on which I cheerfully and thankfully commit my own cause to the Master whom I desire to serve in your behalf. If any thing further than this letter contains be thought needful, you have only to commit your questions to paper, and they shall receive as early an answer as the case shall admit.

At present, that we may know where we are, I submit the following statements:

1. My Sermons for Children, in three volumes, with prefaces to parents, published in 1823, 1824, and 1825, and of which there have been three editions, widely circulated and approved by all orthodox Christians, were known to you before you sent to me the request to visit you, and, on my coming, were somewhat circulated among you. They embrace the great truths of religion, and, being designed for the use of parents and children together, may be supposed to have a plainness and simplicity which, in the least informed minds, could not leave my views doubtful. I cannot suppose that influential and leading members of the church did not take such a work into the account when they joined in a unanimous call to me to become their pastor. I request a careful and candid revision of that work before you proceed to any measures of dissatisfaction with my subsequent course, which, I believe will be found in harmony with that work, and especially with the fundamental parts, namely, the first four sermons, including that on the work of the Spirit. My earlier sermon, on the Idolatry of the Hindoos, which has been once preached before you may aid your inquiries.

2. Since my residence among you, I have published two other religious volumes,—the Telescope, and Sermons from the Fowls of the Air and the Lilies of the Field. Both these works involve the great doctrines of religion, and afford proof of my agreement with the great body of orthodox believers, and with myself in the former work. The articles, for instance, entitled the Heir of the World and the Heir of Heaven, present, in a picture as vivid as I was able to conceive, the misery of the worldling, and the blessedness of the righteous, with all the truths of warning and invitation which cluster around these prime articles of faith. I may say the same with regard to the Sermons, which were delivered before you; that especially the third, entitled the Warrant to Faith, the fifth, entitled the End of our Faith, and the sixth, entitled the Rebuke of Unbelief, are remarkably distinct in both their encouragements and warnings, and in their adherence to the essential truths of the gospel. These works deserve your careful reconsideration before you proceed to any steps which regard my ministration among you.

3. During the years 1831 and 1832, I preached a series of discourses, the views of which pervade, of course, all my preaching and conversation, on the peculiar opportunities and hazards of the present times. A great proportion of these discourses were published, with such alterations as the form of publication required, in the New York Observer, under the title of the Observer of the Times, of which a few are appended to the Sermons from the Birds and Lilies. Within a week after these discourses had been delivered to you, often, and sometimes before their delivery, they were scattered through every State in the Union, at the rate of twelve thousand copies each; and I have had the satisfaction to know that the sermons, which dissatisfied, as I must suppose, some of my own church, were approved by the wise and good, by the most sound in the orthodox faith, in different and distant sections of the Union, and that they were adopted by some excellent pastors, to be read in their social meetings. These articles are at the service of those who may wish to review the substance of a year and a

half's discourses, before they decide that I have not maintained "sound doctrine."

I have thought it necessary to refer to these printed expressions of my views, believing that I may affirm them to be perfectly fair specimens of myself. I *am* what I *was* before you knew me, grown, I would hope, to somewhat riper fruit, but from the same stock, and with the same sap, and from the same vine, as, I may trust, appears in my Sermons for Children, and, at a later period, in the Telescope, and the Observer of the Times; and, at a still later, in my Sermons from the Birds and Lilies. What I have been, I *am*, and with the fairest chance of being known to you and to the world. If I was enabled to take heed to my doctrine before you called me, and in my earlier years among you, I may dare to say, without fear of gainsaying, I *continue in it*. Would that it might be that, in so doing, I may save myself and those who hear me.

In order that it may be seen on what ground I make this assertion, a further statement is needful. The following brief history and references will open matters worthy of your careful reflection, before you proceed to any measures touching the character of my ministry.

On the 9th of April, 1834, I read before the church my reasons for declining the charge of a four days meeting, then for the third time proposed by certain members. The original document is in my hands, for such uses as may be required hereafter. On the 14th of the same month, I met, at the house of Capt Crowell, certain members, who, he informed me, were dissatisfied with that paper. At that meeting, besides the matter which I expected to be in hand, objections were made to the doctrinal character of my ministry. I quote from my private memorandum of that meeting, the substance of my own remarks, after the astounding information that certain brethren considered me erroneous and deficient as implied in that extract, which is as follows: "You have something else to do more important than to think of a four days meeting. If I do not preach the doctrine of the sinner's depravity—extreme, total—that he is in every respect lost, except by the gospel; if I do not keep in view the distinction between the saint and the sinner, and distinctly show that man cannot be saved but by the Spirit of God, renewing and sanctifying the heart, then is the four days meeting a very small question, in comparison of the question before you, and the sooner you dispose of it the better. If I have been preaching among you more than four years, and conversing with you freely, and if there is any reason to say that we do not have these great truths, then is there something to be done; and I advise *you*, as the guardians of that truth on which this church is based, to see that it does not perish in your hands."

On the first Sabbath of May, 1834, five years from my first appearance before you as a Christian minister, I met the question of my preaching *publicly*, but not until I had learned that those dissatisfied had made their dissatisfaction *public*, nor until my brethren in the ministry had informed me that they had received verbal and written communications on the subject of my unsoundness in the faith. I then said to my Brother Holmes, "If they do not know what I believe, they shall know the next Sabbath; and there shall not be one who shall leave the house saying that this is the first time we have heard from

our minister the sentiments he avows on the first Sabbath of May, 1834."

Accordingly, on that Sabbath I appeared before you in two discourses which I am now to refer to, the one from the text,—“The Son of man is come to seek and save that which is lost;” in which I repeated my views of Christian truth, and referred to various discourses in which they had been considered with great care and labor, several of which had been twice preached before you. The other discourse followed from the text,—“If the trumpet give an uncertain sound, who shall prepare himself for the battle?” and was an appeal to the whole community concerning my doctrine.*

Let me say that I did think I had fulfilled my expectation, and that I dismissed an assembly that day convinced that they had heard the great doctrines of the gospel, and that *not for the first time* from my lips; nor did I hear any thing to undeceive me, privately or publicly; and for *years from that day* I proceeded in my work on the presumption that I enjoyed your united confidence; nor had I any occasion to refer to the matter again until near *four years* more had elapsed—so long was the all-important question suffered to lie still!

During the last winter I had occasion to know, at first, that my proceedings, and at length that my views, were unsatisfactory to the members of the church, whose dissatisfaction had been expressed before. I shall close this paper by referring to my subsequent discourses, which were intended to bring before the church and the people the whole character of my ministry, *and to do this once for all*, completing as I thought, all that was or could be needful to enable them to decide on any questions concerning our mutual relations which might arise, and such as might bring to bear upon their minds the whole weight of the ministry of years. The discourses were as follows: †

1. On the 28th of January, 1838, I repeated a discourse from 2 Cor. vi. 1, which, in connection with others from the same text, I had preached *seven* months before. The pastoral appeal, that you receive not the grace of God in vain, was closed in that discourse on the ground of *the divine co-operation with the pastoral office*—of a power not *in* the officer, but *with* the officer whom God has appointed. This last article was enlarged for the occasion; and the presence of the Divine Spirit with a faithful ministry was again asserted, as in the following sentences: “Did I suppose there ever *had* been a time, did I suppose there ever *would* be a time, in which I might not urge the gospel with every assurance of the presence of the Holy Spirit, I would retire from a service in which I was unsupported by power from on high.” “On these principles I came among you, asserting, on the very first Sabbath, namely, May 3, 1829, with fulness and earnestness, the doctrine of the *ever present Spirit*, from John xvi. 7, and, standing before you this day, I do but renew before you the only gospel which I have tried to recommend—the only gospel in which I dare to glory.” “I will not offer a gospel of which I and you might be justly ashamed—a gospel which, in the fulness of the Spirit’s presence, passes and is gone.” “Rather may I have grace to assert

* See p. 12, ante.

† See these discourses, at length, in “Sermons on Public Worship.”

thy presence, Divine Spirit, and to say with all encouragement, my few remaining years,—“Ask, and ye shall receive; seek, and ye shall find.”

“The land of silence and of death
Awaits my next remove:
O may these poor remains of breath
Teach the wide world thy love.”

2. On February 4, 1838, I preached from 2 Cor. iv. 3: “If our gospel be hid, it is hid to them that are lost;” especially regarding the words “our gospel.” Having asserted that there is but one gospel, and my own understanding of it, I endeavored to show how the apostle and his brethren proclaimed that one gospel in a lustre and light severally their own, each in a manner peculiar to himself; and then, that in their degree, all ministers proclaim the one true gospel most perfectly and gloriously, when they do it from the depth of their own personal experience; and “that they who would receive profit from the ministry set over them, must expect it chiefly in its own peculiar and special light.” I then spoke freely of myself, aiming to preach the one only gospel, and yet preaching it even as I have received it and found it my guide along the path of life. I referred to my varied course, and to the views of truth which that course had made precious to myself, and important in my apprehension; and I ventured to ask,—“Oh, is our gospel any other than *the* gospel, and is it *ours* in any other sense than that we show it forth as we have received it, as we have seen and felt and handled of the word of life.”

3. On February 11, in view of your meeting of church members of the 14th, and of public manifestations on the part of certain brethren, I preached a sermon still regarding the words “*our gospel*,” assuring you that *my* gospel was *yours* as much as mine—*ours* mutually, if, indeed, it be the one only and true gospel. I then said, with much more, “My brethren, the ministry is no separate and solitary office. The terms “our gospel” are, indeed, not without their meaning and their power, when considered merely in the light of a minister’s own experience and example; but with what new encouragement, with what fresh courage, and with what increased power, may they be spoken, in the name and on the behalf and at the instance of the church! The co-operation of the church! the aid and encouragement of the church! the sympathy of the church! in its great and saving principles are necessary to give to any ministry its best encouragement and highest success.”

In order to make it manifest that my gospel and your gospel, united in our mutual gospel, I quoted from two sermons preached before you gave me a call to become your pastor, both of which were marked with those peculiarities which may have grown out of my own peculiar course of life. I referred to your approbation of those views in giving me your call, and to the requirement of them at my hands which you have signified in receiving from me the symbols of them in every Lord’s supper. I shall close this review with an extract from that sermon, which I beg you to receive as my present charge, in the weighty matter which you have assembled to consider.

“Brethren, as I look back to the time when you received first *our*

gospel as *yours*, and when you required me to publish it as *our* mutual gospel, I can say, and do say, with thanksgiving—not without a deep sense of sins, which God has searched out and shown me—‘ Having obtained help of God, I continue unto this day, witnessing both to small and great, saying none other things ’ than *those pledged at our first Lord’s supper*. And O, let me claim, by all the expectation of a Christian pastor—Receive me as you received me, your servant for Jesus’ sake. *Discard* me, when I prove unfaithful to the truths on which we met as pastor and church—when I prove unfaithful to the duties which belong to me as an overseer of Christ’s flock—when I dishonor my doctrines and my professions by unworthy conduct. *Discard* me the very moment you cannot stand by me without denying those great truths—without failing, yourselves, in the duties of members of Christ’s flock—without approving the wickedness of a hypocritical life. *Discard* me, if you find me betraying my Master to his enemies. But if, knowing my manner of life for eight years, you see cause to believe that I came among you with honesty and sincerity, as a believer and minister of your Redeemer and mine; if, year after year, and month after month, and day after day, I have seemed to bear an honest witness to the gospel, as the source of my own hope and yours—as the only source of hope to sinful man; if you have seen me evidently looking unto Jesus as the author and finisher of my own faith and yours, and earnestly desiring *with* you thus to lay aside every weight, and the sin that doth so easily beset us; if you have found me, on the Sabbath, and in meetings throughout your bounds, and beside every man’s path in my daily walks, recommending and urging the ever present Spirit—the Spirit on man’s whole path of life—your gospel and mine; if you have seen me thus, though it be in weakness, and fear, and much trembling;—then beware, lest, in discarding *my* gospel, you discard your *own*—lest, in discarding *me*, you discard *yourselves*—lest, in withdrawing the people from my gospel, you withdraw them from your own, and evil to yourselves and others be the issue of your hasty and hurried good intentions;—then beware lest, in your zeal for the moment, you undo and prevent the work of years—lest you check the stream of good which has flown down from your fathers, in its progress to your children and your children’s children, and make *your gospel* a by-word and a scorn, when it should have shone among men in the light of the knowledge of the glory of God, in the face of Jesus Christ.”—*Sermons on Public Worship*, page 206.

I have, in conclusion, but to beg of the few but beloved brethren who have expressed their dissatisfaction, to reflect deeply and prayerfully on the matters now brought before them; and to ask themselves whether they can justify themselves any longer in a course which prevents them from giving their whole influence in aid of a ministry which they chose with the fairest possible opportunity of knowing its character and principles, after half a life spent uncommonly before the public;—a ministry which, with all its imperfections, has been such as they had every reason to expect when they made that choice;—a ministry which does but proclaim their own gospel, in the lights which it has pleased the Lord to shed on its own path;—a ministry against which they urge no charge, either in character or conduct—no charge

except in views and proceedings. Will those brethren any longer hinder the influence of their pastor on themselves, in his kind and earnest efforts for their own spiritual welfare, and growth in grace. Will they any longer hinder the influence of the most important truths upon the church and public at large, by expressions of dissatisfaction and want of confidence? Who knows but the only thing lacking, to crown us with blessings—to open the windows of heaven and pour down a blessing which there shall not be room to receive—is that this hindrance of years should be removed, and that their prayers and efforts for the success of their own gospel should be added to the sincere, earnest, continued efforts and prayers of their pastor? May God grant us so great a blessing as united prayers and efforts in extending the gospel among the people. May he enable the assembled brethren to seek and obtain such wisdom from above, that they will not do what they may have occasion to regret, nor leave undone one single thing which their duty to God and the church requires at their hands, and may he crown this day with blessings.

Your affectionate and devoted pastor,

SAMUEL NOTT, JR.

Wareham, August 3, 1838.

To the Church assembled Aug. 17, 1838.

Dear Brethren,—You are now called to consider whether you will take any measures, and if any, what measures upon the following vote of a meeting of church members held on the 3d of August, namely, “The following vote was taken to show who were pleased with the preaching and procedure of the Rev. Samuel Nott, Jr., declared *five* in favor—*twelve* opposed.” I believe I am not only authorised, but required to understand that the opposed, desire the dissolution of the pastoral relation. It is not yet a year since I supposed that all but three or four were as well satisfied with my preaching and procedure as in their first love for me; and that even these had not on the whole, any serious desire that a dissolution should take place—that on the whole, even these were receiving my well meant and kindly meant labors, with good will if not with preference. I acknowledge of course, my surprise and disappointment to be met in the vote before you with the round number of a dozen, made up as it must be of some whom I supposed to have full confidence in their pastor. One report that I have heard, I have ventured to say must be a mistake, that some oppose who but yesterday took shelter under my wings; and one, who even the last Lord’s Day, sought and received at my hands, one of the most tender and affectionate offices of a Christian minister. In this state of the case, with a dissatisfaction as unaccountable to myself *as if it were grounded upon the charge of my being two feet shorter than I am*—yet which has manifestly grown—and which therefore I shall not flatter myself may not grow farther, I meet you this day—with the determination to do all I *can* to bring it to an issue; to try to do faithfully all I ought that the issue may be right. I expect to take my lot if need be in this fluctuating ministry—here to-day and there to-morrow; cast out as unworthy in one place where it had been

received with all honor, a few months or years before—to be received with all honor in the next, to be again cast out with as early dishonor, as if the ministry had no character or the churches no discernment and stability—but believing that such a state of things is as great an evil to the churches as to the ministry, I have not allowed myself to come before you in this matter for the first time *in church meeting*, without a written and full preparation to utter my whole mind. *Once for all*, and as it now seems to me not only for you, but for whoever may have cause to review and adjudge your proceedings. *Once for all, whether for this church or the churches*—I wish to say what, before you take any measures, I owe to this church, to this parish, to this town, and to all the churches; for no man in these matters liveth to himself. After which I shall cheerfully leave this church to their own decisions, and will put the votes which may express their disapprobation and decide their measures of dissolution with all readiness of mind: not for the first time in my life committing my case to God. All concerned must expect me to speak without reserve, without fear or favor in this matter; and I expect this church to meet the case either way, with decision and energy. On whichever side they may see cause to act, this is no matter for trifling or lingering. *I have no idea of trifling or being trifled with, in such a matter.* I have sustained a fair character as a true and faithful minister, for twenty-eight years, and it shall not be lightly taken from me. If you decide against me, I make an issue before the churches and the world. If you decide for me—I claim of you that you require the acquiescence of these dissatisfied brethren, or that they make an issue with you before the churches. This dissatisfaction has been struggling for years to make a stand before a community, holding at large, a perfect confidence in their pastor—and it has at length made a front which however small it may seem, is now to be fairly and finally met, how, in my opinion, I proceed to say.

I. If you decide against your pastor—then your pastor has a right to demand, and he does demand, that you do forthwith appoint a committee with the following powers:

1. To request the parish to give the pastor six months' notice according to their contract, and to unite with him in calling a council to meet at the end of that notice to investigate "his preaching and procedure;" to decide whether the church had cause for their request to the parish and to dissolve the pastoral relation. Or,

2. In failure of the action of the parish for the dissolution of the pastoral relation, then, that this committee have power to request the pastor to unite with them in calling a council of the churches to investigate his "preaching and procedure," and to see if there be in the premises, just cause for a dissolution of the pastoral relation.

II. On the other hand—if this church decides in favor of their pastor—then it is both my duty and my right to claim, and I hereby do claim, an action on their part in substance as follows:

1. A resolution of continued—and if the church can consistently say so—of increased confidence in their pastor after the experience of his services for nine years.

2. A resolution expressing their affectionate and earnest desire, that

the dissatisfied brethren would prayerfully and solemnly review the grounds of their dissatisfaction; and to see if those can be solid grounds, of which they cannot convince their own brethren.

3. A resolution claiming of these brethren, as belonging to their covenant obligations, that they acquiesce in the decision of this church, and as in duty bound, co-operate with the church and pastor in every work of faith and labor of love.

4. A resolution, requiring of these brethren, if they do not thus acquiesce and co-operate, then that *they* proceed without delay to an issue before the parish for a six months' notice, and such notice having been given before a mutual council at the end of that six months, for an investigation of the "preaching and procedure" of the pastor, and to see if there be in them just ground for a dissolution—and to dissolve the pastoral relation; or failing of the action of the parish, that they proceed to request a mutual council, without delay, to investigate the "preaching and procedure of the pastor," and to see if there be in the premises just cause for a dissolution of the pastoral relation.

5. Resolved further that, unless the dissatisfied brethren make this issue—this church and their pastor are in duty bound to proceed with mutual affection and diligence in their great work of mutual edification and public usefulness; burying forever the dissatisfaction which has been expressed in kind oblivion, as a subject which has no occasion even to be named.

Making *on my own part*, this decided issue in the case, I proceed to lay the necessary information before you, in such a form as will leave little or nothing to be added, on my part, before any future tribunal. I call first for the reading of my letter to the "meeting of church members held on the 3d instant."

The document which has now been read, I intended to be a full view of the case before the meeting of the 3d August, or before any subsequent tribunal. And if the documents referred to be consulted—and especially "the reasons for declining the charge of a four days' meeting, April, 1834," and that part of my sermon on the 4th of February, 1838—which unfolds the rise and growth of my own prominent views of principles of pastoral procedure,* I can conceive nothing more needful on my part, either before this meeting or any future tribunal. The papers just referred to are here present, with a mass of written discourses belonging to the whole course of my ministry, to be examined as much or as little as you may see cause, in order to enable you to come to a just decision in the case before you.

Leaving then my case as abundantly before you, I have only to urge you to decision—after having presented a brief historical review, and expressed *my own clear and decided judgment* in the case.

This community, nine years ago, being in a very distracted state, and with little prospect of the union which ensued,—this church sought, as they thought, a pastor from the Lord, whose presence among them might be as oil upon the troubled waters. It pleased their gracious Master, as they and their sister churches thought, to answer their prayers—to send them a man of mature age—from peculiar cir-

* See Public Worship, p. 175, the author's account of himself.

cumstances very widely known—of established character—in the full confidence of a most orthodox Presbytery of the General Assembly of the Presbyterian church—and of the entire Orthodox church of which he was then a pastor. May I not say with fair evidence of being “a man after God’s own heart.” So at least this church received him—and as if a miracle were wrought before their eyes in answer to their prayers, he was welcomed by a united community, instead of becoming, as they might have feared, the mere subject of discord and contention. This *union*, in which they and their sister churches rejoiced as an answer from the Lord, was produced with the strictest adherence to the great truths on which this church is founded—and to a very great extent by the very same discourses which had passed with unaccepted approbation before the most orthodox churches and ministers in the land; it may be by means of two advantages, peculiar to the individual to whom you were providentially directed:

1. The pastor who was sent you was from a region separate entirely *from the controversies of Massachusetts*; and of course with the advantage of preaching the whole truth without the inconvenience of a *controversial form*, as perhaps would have been nearly impossible if the same person had spent his whole life within fifty miles of Boston.

2. The pastor who was sent you, was a man whom it had pleased Providence to educate in three quarters of the globe—in an acquaintance with the Mohammedan, Pagan, and Christian world—and whose principles at forty years of age, had been formed and settled amidst the peculiar experience of the path in which he had been led.

This pastor, who had passed the trial of the soundest theologians and churches without a whisper of disapprobation, came among your discordant population, and was kindly received—universally, marvellously, by all parties; it may be, because without any wisdom of your own you had been directed to a man, who had not been in the circle of your former disputes; whose temper, habits and principles had been formed by discipline in a field as wide as the world. The very thing happened which you all desired; the very blessing which you prayed for, which should have been welcomed with continued thanksgiving and co-operation. Must it be said, if God had been less gracious any of you would have been better satisfied? Was it to be expected, and shall it any longer be true, that your own body shall be the only starting point of disunion—the only organ of hindrance to the work of a sound, earnest and faithful pastor—shall themselves undo the work which Providence did in answer to their prayers? Let the dissatisfied brethren review the case, and see if they are not required to aid the work of their pastor by their hearty co-operation, as well as by an example of all that is lovely and of good report.

It remains now that I express my own clear and decided judgment in this case.

I have not lived nearly fifty years without some knowledge of myself, and of the character which I may fairly say I sustain with the wise and good. God knows that I have not lived fifty years without having learned some of those lessons of humiliation which he has taught as kindly as faithfully—and which forbid that I should speak *absolutely* well of myself. But I see nothing in this consciousness—deep as I

feel it—which forbids my own decided expressions concerning myself—and I will not allow myself by a false modesty to fail of saying what I believe will be found to be true, should you proceed to any measures touching the continuance of my ministry among you. I speak only of the past up to this present hour; and with thanksgiving for aiding and preserving grace. For the future I would adopt the caution of the apostle: Let him that thinketh he standeth take heed lest he fall. Let then this church know my full conviction that it will appear to the satisfaction of all who may review these matters—that they have grounds of confidence in their pastor in the four following particulars:

1. In the soundness of my doctrines, according to the great principles of their own creed and covenant, and of all orthodox churches; and that whatever questions may have been stated in this matter are such as might be stated with regard to the inspired apostles themselves, each expressing divine truth in a manner peculiarly his own, and each giving peculiar prominence to the truths which most affect his own mind, or the state of the taught required—such, in a word, as might be stated concerning John in comparison with Paul, or James in comparison with Peter, or of either of these apostles in comparison with themselves in the separate portions of their instructions:

2. In my ministerial fidelity—and that steadily for nine years—and that all questions of procedure touch only matters in which the word of God has given no command, and in which the churches have no rule, of course in which every minister must be his own judge, especially in times of fluctuation and change.

3. In an exemplary temper and conduct.

4. In uninterrupted kindness of intercourse with the few brethren who have expressed themselves dissatisfied.

Brethren, are not these four things so? I make no claim in either to perfection, and in each of the four it is my daily prayer to leave the things behind, and press forward to the things before; but yet I dare appeal to my assembled church, after nine years charge over them, Brethren, are not these four things so? Will you not honor the grace of God in me, by saying these four things are so? Canvass all my publications, all my preaching, and all my conduct among you, and tell me—do I utterly deceive myself, when I say, I expect *your* testimony that these things are so? Do I utterly deceive myself, when I say, that after my dissatisfied brethren have studied these matters more carefully, even *they* will not be able to stand before the assembled churches in this house and say *that these four things are not so!* Nay, more; do I utterly deceive myself, when I say, I feel perfectly assured that I might safely waive my privilege before the churches, and submit myself to the judgment of twelve churches drawn from this whole commonwealth by these dissatisfied brethren themselves; and that, when these papers should have been read, and the proofs referred to examined, and the testimony of these very brethren taken and canvassed, along with that of the whole community;—do I utterly deceive myself in saying that such a council, called by the dissatisfied themselves, would say *that these four things are so?* and that, up to this day, these brethren are opposed without cause in the midst of an attached church and people, and that these brethren would meet the rebuke of the very council which themselves should call?

And if these things are so, let me ask those brethren to consider what they are about; whether it may relate to me, as their pastor, or their fellowship with an adhering church. Can they justify themselves before their meek and lowly Master, in further troubling the very waters on which the oil was poured in answer to their prayers? Under the influence of an excited mind, they may for a season dwell upon single expressions of the most scriptural character, until they may convince themselves that all other truth is hidden or forgotten, as they might on the expressions of the apostles, or even of our Lord himself; and they may dwell upon the proceedings of the pastor, until they convince themselves that there can be no pastoral fidelity unless in conformity to measures in which the word of God has given no command, and the churches have no rule; and under this excitement they may hasten to measures, involving the welfare of themselves, their families, the church, and the people. But the time of excitement must pass away; and measures taken in excitement will hasten to their issues; and the period of sobriety and reflection must come; and when it does come, sooner or later, the path must be retrodden, whether by the dissatisfied brethren, or the community whom they may have induced to go with them. *It cannot be, if these four things are true, that proceedings grounded on their untruth can prove a solid foundation for this church and people.*

And now, brethren, the whole case is before you, as I am willing to rest it before you, the parish, the churches, and the world; and, as a conscientious officer in the Lord's house, as I do rest it, with my Lord and Master. I am before you, in my publications, in my ministry, in my whole character and conduct. As far as man can be known by his fellow-man, you have the fullest opportunity to know me; and it is yours to decide, not on the dissolution of the pastoral relation, but on such measures as may bring the parish to forewarn, or the churches to decide; and, again, not in the first case to decide on the expediency of a dissolution, in connection with a causeless dissatisfaction, but whether the dissatisfaction have such grounds as cancel the obligations of the church. And now make up your minds deliberately, calmly, prayerfully, decidedly, with a sense of your responsibility to *me* as your pastor; to this church and to this community, now and in all coming time; to your children and your children's children; to all the churches, and to the great Head of the church himself. I say again, *I have no idea of trifling or of being trifled with in this matter.* I shall not take on myself the responsibility of proceeding to measures of dissolution, adding my example to the causes of instability in the churches. *I shall not dismiss myself,* but abide in my lot the issue of your measures, or of the measures of the dissatisfied brethren. And now *go with your pastor*, if you think him true and faithful. Go with him, but in utmost kindness to your brethren, to whom he knows no other sentiment. *He wishes no friendship to himself which is unfriendly to any human being; above all, to any member of Christ's visible body.* But never think that brotherly kindness forbids your firm and unshaken adherence to the pastor whom God and the churches have set over you at your own request, if, after knowing him for nine years, your confidence in him has not diminished, but increased. Give no en-

couragement, by your indecision, to a *causeless dissatisfaction to become itself a cause of separation between pastor and church, unless you would sow the seeds and reap the harvests of perpetual dissatisfaction and dismissals.* Do not yourselves the dishonor of taking measures of separation from a pastor who you think has dealt kindly and faithfully with you, and whom you would still expect to be a star in the churches of your Lord; but, if you have a firm and growing confidence in your pastor, then dismiss this subject, which has been for years, now coming to life, and now dying again and now reviving—dismiss it definitely, distinctly, solemnly. Put your decisive vote upon the subject, and let it be known that, as a body, you are ready to sustain and cheer your pastor in his work, by your countenance, your assistance, your obedience in the Lord, and your prayers. I claim decision at your hands.

But if you think your pastor unsound, unfaithful—if, on any good grounds, you are “opposed” to his preaching and procedure, and if you think him unworthy of the pastoral office in other churches—then go against your pastor, and proceed to the proper measures of dissolution. *I am ready for the issue, and I claim it at your hands.* If this plainness of speech, this fair demand, this decisive pastoral injunction, can break the *bond* that unites us, let it be broken. If it cannot, let it unite us more firmly. I await your action after the manner I have laid down. But if you go with your pastor, then declare with him that you await the action of the dissatisfied brethren, after the manner laid down, and according to the customs of the churches.

This being done, our future course will be clear. If neither the church nor the dissatisfied brethren proceed to issue the matter with the parish or the churches, I shall go forward seeking the spiritual welfare of my whole church and people with an affection and a desire for their welfare which has never been impaired, and which excepts not from its embrace of love and kindness a single individual; and in the hope that a case decisively and affectionately laid aside by all concerned, will *never hereafter be named among us*; and that, this hindrance being out of the way, the word of the Lord may have free course and be glorified among us, beyond all that either we or our fathers have known. I devoted my early life honestly and earnestly to my Lord and Master, and I have reached near my fiftieth year, I trust in some humble consistency with that devotedness and with a mind full of purposes of usefulness to my special charge and the church and the world at large, quickened and deepened by the grown and growing sense that I must soon render an account of my stewardship. Let me claim of you all, and especially of my brethren in advanced life, that they leave me free-hearted and free-handed to my work, and that they unite with me in the kind and earnest efforts, which alone can prepare them, as well as myself, for a pleasant evening of life, and for the rewards of the FAITHFUL UNTO DEATH.

“The land of silence and of death
Awaits our next remove:
O may these poor remains of breath
Teach the wide world thy love.”

Voted, That the house be divided, in order to ascertain how many members of the church were dissatisfied with the pastor.

On the house being divided, it appeared that *eleven* were dissatisfied, and twenty-six satisfied, with their pastor.

The second, third, fourth, and fifth resolutions proposed in the pastor's letter were then passed.*

At a church meeting, September 7, 1838, on the request of the petitioners for the meeting that the third resolution passed at the last meeting (August 17) be reconsidered so far as relates to the action of the parish,—decided in the negative. Affirmative, thirteen; negative, fifteen.

January 11, 1840.

At a church meeting on the request "to unite in calling a mutual advisory council, to lay the case of the dissatisfied members of this church before them in relation to their dissatisfaction with their pastor," on motion that the third vote of August 17, 1838, be reconsidered, the motion was lost. Yeas, fourteen; nays, fifteen. The following resolutions were then passed. No. 1, yeas, fourteen; nays, thirteen. The remaining, yeas, fifteen; nays, seven.

Voted, (1), That, even though the way remained clear for a mutual council, the only propositions consistent with ecclesiastical usage and the equity of the case were made to them and those who acted with them, August 17, 1838; and that any council without the powers then proposed, and whose decisions are not final with both parties to the council, is useless and inadmissible.

Voted, (2), That, owing to the course which the petitioners have since taken, the way is not now clear for a mutual council, as proposed and urged in the votes of August 17, 1838, unless this church would subvert all the principles by which church order and public worship are maintained; unless they would proceed to the question of a dissolution of the pastoral relation on principles which, in their due course, would prevent any re-establishment of the pastoral office over this church and people.

Voted, (3), That, in withdrawing themselves from the parish, as they are certified to have done in March last by the parish clerk, they did, in fact, prejudice their own cause, choose their own remedy, and determine the penalty upon the church and parish, either of losing the pastor whom they were mutually bound to sustain, or of supplying that portion of the stipulated salary which they withdrew; and did, in effect, so far as their action was concerned, decide the dissolution of the pastoral relation, without reference to the mutual council offered and urged upon them, and the only umpire acknowledged in our church, parish, and pastoral contracts, in our ecclesiastical customs, and in the laws of this commonwealth:

That, in so doing, they did actually break their general covenant, "to walk with this church in all the ordinances of the gospel"—their special covenant, with regard to the present pastor—their agreement with the parish, proffered in the vote of the church, May 22, 1829, calling the present pastor, "provided the parish concur therein"—

* See ante, pp. 32, 33.

their individual agreement as parishioners with their co-parishioners in the parish call—and, lastly, their promise to the pastor, binding so long as the pastoral relation is not regularly dissolved—and that thus they have rendered themselves liable to church censures and disabilities :

That three of the petitioners have added the still farther breach of covenant, and are still farther subject to that liability, unless, upon inquiry, they should show good cause for their absence from the Lord's table, and their partial or uniform absence from public worship since their withdrawal from the parish.

Voted, (4), That this church has been waiting, in anxious expectation and hope, of seeing their brethren return from the error of their proceedings, and are disposed still so to wait ; and therefore will not now decide what censures and disabilities belong to their case, save only that *they are not entitled to avail themselves of the propositions made to them on the 17th of August, 1838, offering and urging a mutual council.*

Voted, (5), That this church do earnestly entreat their brethren to pause and consider their course, as at variance with all the principles of church order, and subversive of all the principles on which parishes and churches can concur in the settlement and support of pastors, or pastors can consent to take charge of churches and parishes, and which, if allowed and sanctioned by the church, and made a precedent for the future, must remove all power in the church alone, or in the church and parish united, to maintain public ordinances. Let those brethren pause and consider that continuance in a course manifestly wrong, cannot bring them to a right end ; and when they have turned from their present error, then let them, if they continue to be dissatisfied with the pastor, take the orderly course for issuing their cause.

Voted, (6), That, when they have done thus, the way will be clear without the violation of the only principles on which this church, with or without the parish, can maintain public ordinances, to renew the propositions for a mutual council, voted August 17, 1838.

Voted, (7), That Abisha Barrows, William Barrows, Deacon Ebenezer Crocker, Dr. Peter Mackie, and Silvanus Bourne, be a committee, acting with the pastor, with full power to unite with the petitioners in calling a mutual council, according to the votes of August 17, 1838, whenever they shall be duly certified that the conditions of the above votes this day made have been fulfilled.

Voted, (8), That this church renew their expression of earnest desire and prayer that the dissatisfied brethren would acquiesce and co-operate with them and the pastor ; and that, if they do not, they do earnestly beg and require that they will make no delay in bringing their cause to an orderly issue before the churches. Almost a year and a half have elapsed since the propositions for such issue were made by this church, and they have not been yet informed that one orderly step has been taken. "These things ought not so to be."

Voted, (9), That this church forewarn their brethren that, unless they retrace their steps, other censures and disabilities are unavoidable ; that the very existence, as well as the regular administration of the ordinances of the church forbid that members of the church should be held in good and regular standing ; and, above all, that its deacon should be held regularly in office, when persisting in the violation of their covenant obligations.

Voted, (10), That these declarations of principles, in application to the present condition of this church, are made with an earnest desire for its *union*, now and hereafter, and under the deep conviction that no true and abiding union is to be secured by destroying the bonds without which no church can be "fitly joined together and compacted by that which every joint supplieth."

Voted, (11), That these declarations are made in the fullest confidence that they are so true and so necessary, that no council, whether mutual or ex parte, can possibly disallow them; and in the earnest prayer and hope that the petitioners themselves, on further consideration, will govern themselves by them.

January 26, 1840.

The following letter was laid before the church.

"We the undersigned, aggrieved brethren and sisters of this church, respectfully request our dismissal from the church over which the Rev. Samuel Nott Jr., is pastor, that we may be organized into a church by ourselves. Wareham, January 22, 1840." Signed by twelve brethren and five sisters.

Voted, That the request of the aggrieved brethren and sisters be referred to the committee of five, with the pastor, appointed on the 11th inst. to report thereon.

Wareham, February 2, 1840.

The following resolutions, reported by the committee, were adopted, viz :

Voted, 1, That the views of this church on the original, and as far as we know the only ground of grievance, and of the proper method of issuing their cause, were sufficiently declared in the votes of August 17, 1838, and that the grounds of those votes are sufficiently set forth in the pastor's communication recommending their adoption; and of course, that in the view of this church, there is no good and sufficient reason for granting the request of the aggrieved members, on account of their dissatisfaction as stated August 3, and renewedly expressed August 17, 1838.

2. That the views of this church on the subsequent proceedings of the dissatisfied brethren, and of the only orderly course from that time, are sufficiently declared in the votes of this church, January 11, 1840, on the petition of eight of their number for an advisory council; and of course that there is no good and sufficient reason in the proceedings of this church subsequent to August 17, 1838, for granting their request.

3. That in declining to refer their original dissatisfaction and grievance to a mutual council, according to the proffers and urgency of August 17, 1838, and of January 11, 1840, the brethren, though they may not think it, do in effect withdraw themselves not only from *our* fellowship, but from the fellowship of the churches, and might fairly be considered as incapable of a regular dismissal, in the position of separation and independency which they have thus chosen; and of course might be left to their voluntary exclusion from our fellowship and the fellowship of churches, and self-doomed to the divi-

sions among themselves which are the natural consequences—but that imputing both their course and their original dissatisfaction *to errors in judgment unaccountable to us*, we will lay no bar in the way of their request other than exists in the nature of the case and in the recorded doings of this church, and will do what in us lies as on their former request, to re-open the very way which themselves have shut; so that should their dismission for any cause take effect, they may receive it under all the privileges and obligations which belong to church fellowship and to the fellowship of the churches; yet always expressing to the last our unfeigned desire and hope that our brethren and sisters, at length convinced of their own misjudgment, will yet return welcomed to our bosoms, and according to the expression of Aug. 17, 1838, “proceed with us, in mutual affection and diligence in the great work of mutual edification and public usefulness, burying forever the dissatisfaction that has been expressed in kind oblivion, as a subject which has no occasion even to be named.”

4. That the request to be dismissed, to be organized into a church by themselves as *aggrieved* members; and especially considering their number and the circumstances of the community, is the *highest re-affirmation* of their original grounds of dissatisfaction; and cannot be granted on those grounds without leaving this church before the community, before the neighboring churches and the world, under the reproach of *sustaining a grievance which is good and sufficient cause of separation*—and of course of being *untrue to the foundation on which this church is built*:—And therefore that this church owe it to their own character and influence in this community, to the memory of their fathers who bequeathed to them the gospel, and to posterity, to whom they would hand it down unimpaired; and to the fellowship of the churches in which they stand, and to the great Head of the church himself, to call upon their brethren *to show cause before the churches why their request should be granted*.

5. That the aggrieved members, in asking for their dismission as such, have brought this church at length to a point, where we, at least, *must have a council, whose decisions are final in the case, whether our brethren will accept it or not*; and since the question is now upon the dismission of the members, and not on the dismission of the minister, where, though we might justly, we need not necessarily insist on the conditions required in the votes of January 11, 1840, in order to sustain the great principles therein involved, before offering a mutual council; and therefore, if the applicants concur therein, we do refer their request to the consideration and decision of a mutual council, to be called in the following form, namely:

Whereas twelve brethren and five sisters of this church, styling themselves aggrieved, have requested a dismission, that they may be formed into a church by themselves, This is to request you, by your reverend pastor and delegate, to meet in mutual council on —, at —, to decide and act in the matter as follows:

(1). Whether the original grievance on record in the former doings of this church, namely, “the preaching and procedure of the pastor,” be a good and sufficient reason for dismissing these members, to be re-organized into a church by themselves.

(2). If the former question should be answered in the negative, then to decide whether it be *expedient*, without good and sufficient reasons

for their original grievance, to dismiss them, to be organized into a church by themselves.

(3). If the council decide in favor of their request, for either of the above reasons, then to organize them accordingly, leaving the minutes of council to be placed on the records of this church, as consummating and authenticating their dismissal and organization.

6. That the council shall consist of not more than twelve churches, and that the present committee meet a committee of the applicants, to select the council, make arrangements for it, and issue letters missive on Monday evening, Feb. 10, at 7 o'clock.

7. That in case the applicants decline a mutual council, or fail to appear as aforesaid, then, that the present committee with the pastor, issue on Monday evening, February 10, letters missive to as many churches within the above number as they may judge best, for the purposes aforesaid, with the following addition, to wit: 4. That if both questions be answered in the negative, What is the duty of the church in regard to the position of separation from our fellowship and the fellowship of the churches in which the aggrieved members have placed themselves, and are left by the decision of the council?

8. That in either case the council be convened at the meeting house on Tuesday, February 25, at 2 P. M., and that the present committee with or without the aggrieved members, as the case may be, make all needful arrangements for the accommodation of the council.

9. That the pastor lay before council the whole record of this church in the matter from August 17, 1838, and his communication of that date to the church, including that of the meeting of church members, August 3, 1838, with so much of the printed and manuscript documents referred to therein as the council may require, and that the committee with the pastor, be instructed to make any explanations which the council may require; and that the committee be instructed to take all necessary measures for the issue of the case.

The committee met this evening, February 10th, 1840, agreeably to the vote of the church of the 2d instant. The committee of the applicants made the following communication, viz.

Dear Brethren,—We have examined with care, prayerfully as we trust, a copy of the doings of the church, in answer to our request of dismission with a view to being organized into a separate church, and hence are prepared to say, that we cannot unite in a mutual council as therein proposed—but are prepared to say, that we will join in a mutual council, the object of which shall be, to look over the whole ground of difficulty, with a view to advise and recommend what, under existing circumstances, may be done. We have for a considerable time desired such a council, but having been refused, have been driven to the alternative to ask our dismission as above, yet we are still ready to accede to the calling of such a council.

JEREMIAH BUMPUS,	}	<i>Committee.</i>
DAVID BODFISH,		
DAVID SWIFT,		
ALVIN GIBBS,		
BENJ. BUMPUS,		
LEMUEL SAVERY,		

The committee replied that they could not accept the proposal of the committee of the applicants as a ground of varying the course marked out by the church. At the same time, and in proceeding themselves to call a council in behalf of the church, the committee offered to take, as their own first choice in the formation of that council, six churches, such as the committee of the applicants should name, limiting the choice only to *churches having regularly settled and installed pastors.*

The committee of the applicants thereupon laid before the committee of the church, the following communication :—viz.

Dear Brethren,—As you have refused to grant our request, wherein we said we would unite in a mutual council, the object of which should be to look over the whole ground of difficulty, with a view to advise and recommend what under existing circumstances may be done, have, after consultation, concluded that we will unite in the mutual council you proposed, excepting it shall not be final unless it results in our dismission, and that we have the liberty or privilege to lay before the council, the whole ground of difficulty, that we shall have all the liberty that church members have in laying our cause before the mutual council.

The committee replied in substance as they had done to the former communication. Whereupon the committee of the applicants named the following pastors and churches in acceptance of the offer of the committee :

Rev. Alvan Cobb, W. Taunton; Rev. Emerson Payne, Halifax; Rev. Mr. Emery, Taunton; Rev. Mr. Putnam, Middleborough; Rev. E. Dexter, Plympton; Rev. A. Cobb, Sandwich.

To this number the committee of the church added as follows.

Rev. Mr. Bigelow, Rev. Dr. Cobb and Rev. Dr. Robbins and their respective churches. Rev. Thomas M. Smith, N. Bedford; Rev. Dr. Storrs, Braintree; Rev. Dr. Tucker, Providence.

February 20, Rev. Dr. Storrs having informed the parties that he could not attend, the vacancy was supplied by the Rev. Mr. Roberts, New Bedford.

RESULT OF COUNCIL.

Wareham, Feb. 25, 1840.

Agreeably to letters missive from the Congregational church, Wareham, an ecclesiastical council convened this day in the Congregational meeting house in Wareham, consisting of the following churches, by their pastors and delegates, viz. :—

Rochester South.	Rev. O. Cobb, D. D., pastor.
	Rev. Leander Cobb, delegate.
Do. 2d church.	Rev. Dr. T. Robbins, pastor.
	Br. Branch Barrows, delegate.
Do. Centre.	Rev. Jonathan Bigelow, pastor.
	Dea. George King, delegate.
N. Bedford, North.	Rev. T. M. Smith, pastor.
	Br. Asa Hill, delegate.
Do. Trinitarian.	Rev. J. A. Roberts, pastor.
	Dea. Joshua Barker, delegate.

Sandwich.	Rev. Asahel Cobb, pastor.
	Br. Joseph Nye, delegate.
Middleborough.	Rev. I. W. Putnam, pastor.
	Dea. John Freeman, delegate.
Plympton.	Rev. E. Dexter, pastor.
	Dea. Cephas Bumpas, delegate.

The council was formed by choosing the Rev. Dr. Robbins moderator, and Rev. J. Bigelow scribe. Opened with prayer by the moderator. The letter missive was read. The church records relating to the matter submitted to the council were then read.

The aggrieved members then presented their reasons for asking a dismission from the church in document No. 1. The council then took a recess till seven o'clock. After recess, the aggrieved members presented paper No. 2, as evidence of their reasons being well founded for asking a dismission. Council then listened to all the oral testimony which the aggrieved members saw fit to present.

The Rev. Mr. Nott was then heard in reply, in part. The council then adjourned till to-morrow morning, at eight o'clock.

Feb. 26. Council met according to adjournment. Opened with prayer. Rev. Mr. Nott continued his reply. Council took a recess for one hour. After recess, continued to hear Rev. Mr. Nott, in reply, till he had finished.

The council then prayerfully considered the subject submitted to them, and, after mature deliberation, came unanimously to the following result, namely:

Resolved, unanimously, First, That the original grievance on record in the former doings of the church, namely, the preaching and procedure of the pastor, is not good and sufficient reason for dismissing the aggrieved members, to be organized into a church by themselves, inasmuch as they have failed to sustain the reasons which they have assigned for their request.

Resolved, unanimously, Second, That it is expedient, in the present state of things, for the sake of peace, to grant the aggrieved members a dismission, if they persist in their request.

Signed,

THOMAS ROBBINS, *Moderator.*

JONATHAN BIGELOW, *Scribe.*

Document No. 1. By Rev. Jona. King, acting for the aggrieved.

Mr. Moderator,—I rise to speak on the present occasion, in behalf of the aggrieved members of this church, with mingled emotions—with feelings of no ordinary interest. It has been my privilege, sir, to meet with this church in her better days—her days of prosperity—and mingle with its members my prayers and tears. The days to which I allude, sir, were those when the Rev. Noble Everett, whose remains are lodged in yonder grave-yard, and whose sainted spirit, I doubt not, bows with reverence before the throne of God, was their respected pastor, and who, going in and out before them, broke to them the bread of life; but those days, sir, are gone by, and a day of a very different character has succeeded them, which, in the providence of God, has been the occasion of convening of this council. Remembering, as I

do, sir, former associations, my heart bleeds. I wish, then, it may be *distinctly* understood, that, in all the remarks which I may be allowed to make before this council, in the place which I occupy, no feelings but those of tenderness and respect will be indulged towards any of the members of this church or society, or towards their pastor.

Mr. Moderator, we would make the inquiry whether this council may not be made a mutual council, according to the first request of the aggrieved, notwithstanding all that has hitherto been done.

Mr. Moderator, we will now proceed to give the reasons why the aggrieved members of this church have requested their dismissal, to be formed into a separate church. They have done this, sir, we would answer in the negative,—

1. Not because there is the least disaffection between them and the other members of the church.

2. Neither is it because they have the least, distant wish, in itself considered, to be separate from their brethren.

3. Neither is it because they do not respect and esteem their pastor as a man.

But, in the affirmative,—

1. It is because he seldom, if *ever*, to *our* understanding, preaches the entire sinfulness of the heart by nature; the necessity of regeneration, effected through the instrumentality of divine truth by the special influence of the Holy Ghost—the sovereignty of God—the doctrine of his electing love, of reprobation, of his general agency and universal decrees.

2. Because, in our judgment, instead of the above things, and others which become sound doctrine, he substitutes those of an Arminian character.

3. Because he speaks against religious excitements, or revivals, as they are generally termed by the Orthodox, calling them spurious works, &c.

4. Because, in our judgment, he disapproves of religious meetings, unless very seldom, except on the Sabbath.

5. Because, in private conversation, he speaks very freely on subjects of a worldly nature, but very seldom on the subject of religion.

Signed,

JER. BUMPUS,

DAVID SWIFT,

BENJ. BUMPUS,

DAVID BODFISH,

LEMUEL SAVERY,

ALVIN GIBBS,

} Committee
of the
Aggrieved
Members.

Document No. 2.—Reasons why we do not like Mr. Nott's Preaching.

"I say to every one before me, Choose your own path, and walk in it, until you arrive to heaven. I say, Choose your own path; mark it out, and walk in it, until you arrive to heaven."

"The first lisp of an infant is to praise its Maker; and it will go on to praise him until it arrives in glory."

He says, "Away with your three months and winter revivals; away with your spurious revivals, your flashes," &c. &c.

"When Mr. Nott returned from Bombay, he states in public, in sub-

stance, that his views on the subject of revivals of religion differed from those of the public generally; or, in other words, that the public opinion was against him. This was stated about two years since." [Mr. Nott read before council the sermon here referred to, February 4, 1838. See "Sermons on Public Worship," p. 174: the Author's Account of himself.]

"And when we have conversed with him on the importance of laying the sinner's case before him, as laid down in the word of God, he says, 'Is it not enough for me to tell the sinner the duty he owes his Saviour? Or had I better conjure up something, and tell the sinner he has a heart that hates God?'"

"We are informed by one of the brethren that Mr. Nott told him he did not wish him to go to Agawam, as he was afraid of their getting up an excitement, and prevent them from coming to meeting on the Sabbath."

"There is a principle in the heart of the natural man, if cultivated, will lead him to heaven. I repeat it,—there is a principle in the heart of the natural man, if cultivated, will lead him to heaven."*

Mr. Nott's concluding Remarks.

The question before the council is not on preferring or not preferring, liking or not liking, *the preaching and procedure of the pastor*; but whether the preaching and procedure are such as to *furnish good and sufficient reason* for dismissing the applicants, to be organized into a church by themselves, and that in such a community and with so small a number of applicants. Of course the question is, whether this missionary to the heathen; this minister of the presbytery of New York for five years, and of the presbytery of Albany for six years, without complaint or objection; this minister, who, for twenty-seven years, has been before the churches as a missionary, minister, and author, has at last given, by his preaching and procedure, in the Old Colony, good and sufficient reason for these few brethren and sisters, namely, about one-fourth of the actual male members, and about one-twentieth part of the female members, to be dismissed, as aggrieved thereby.

The council owe it to the pastor of this church—to this church itself, for a century sound and unblemished—to the aggrieved members—to the churches over which themselves preside—and to all the churches, which can subsist only on just principles—to give their answer to this question, in one single word;—in one absolute and decided YES, so firm and so strong that it shall exclude, in its natural course, this minister from the charge of this or any other church, as shall put THEIR *ban* upon his preaching and procedure, not only in this church, but in all the churches: or in one absolute and decided NO, confirming the great mass of this church and people in the opinion all had when they gave their call, and which *they* have maintained until now—so firm and so strong as may give them the surest ground to urge the applicants, kindly, but decisively, to return, according to the wish

* See, on the above document, "Sermons on Public Worship," and notes, large portions of which were laid before council, especially sermons 7, 8, 9, 10, 11, 12, 13, and note to p. 397.

expressed on the records of the church—"welcomed to our bosom, and to proceed with all affection and diligence in the great work of mutual edification and public usefulness, burying forever the dissatisfaction which has been expressed, in kind oblivion, as a subject which has no occasion even to be named." And, be the time longer or shorter, I expect this council to continue their inquiry-until they are ready for a simple *yea* or *nay*, on the leading question before them.

Certificate of Dismission reported to the Church.

Wareham, March 9, 1840.

This is to certify that ——— and ——— are entitled to their dismission from the Congregational church, Wareham, to be united with a church to be organized of themselves and other aggrieved members, and that they will be considered as dismissed when they shall have been duly organized; agreeably to the following result of council called to decide on their case:

"*Resolved*, unanimously, *first*, That the original grievance on record, in the former doings of this church, namely, the preaching and procedure of the pastor, is not a good and sufficient reason for dismissing the aggrieved members to be organized into a church by themselves, inasmuch as they have failed to sustain the reasons which they have assigned for that request.

"*Resolved*, unanimously, *second*, That it is expedient, in the present state of things, for the sake of peace, for the church to grant the aggrieved members a dismission, *if they persist in their request.*"

In behalf of the church.

SAMUEL NOTT, JR., *Pastor.*

My dear Friends,—I cannot give you the accompanying certificate without a parting word.

Before you take the step which you now propose, I owe it to the charge I took of you more than ten years ago as your pastor, to request you to *study* with deep attention my letter to the church members of August 3, 1838, a copy of which I suppose to be in the hands of Deacon Jeremiah Bumpus, and the printed works referred to therein.

2. With the certificate to Deacon Bumpus I will transmit, for the use of all the aggrieved members, a fair copy of my letter of August 17, 1838, addressed to the church; and I request of you to study it also with deep attention.

3. In connection with those letters, and all my publications, and with my whole character for thirty years as a Christian minister and Christian man, I beg you to compare the remarkable list of charges laid before council, and the decision of council thereon; and then to inquire whether sound good sense or sound Christian principle can justify your present step.

4. Finally, I beg you to inquire of your own hearts whether, after all, I have not now as fully as I had in the month of May, 1829, your confidence as a Christian minister and a Christian man, consistent from that time until now in the doctrines and principles which I then avowed.

And, lastly, whether you can approve yourselves to your own consciences—to this church and people—to future times, who will review with impartiality your doings—and to the great Head of the church—the step you are now about to take, after a council has unanimously decided that there are no other grounds but such as is made by your persisting in a request which has no good and sufficient reason.

With earnest desires that you may remain with us, in the only desirable way, and not without hope that you may yet see that that way is right, I remain, with great affection, and desires for your welfare, at least until your organization is completed,

Your pastor,

SAMUEL NOTT, JR.

Communication from Pulpit, March 15, 1840.

The certificates have been accompanied with a brief pastoral letter, urging the aggrieved members to pause, and consider, and pray, yet more *before taking the final step*; urging also the only return to my pastoral charge which is desirable, namely, in such affection and confidence as they must be supposed *formerly* to have felt when *I was* but what *I now am*. I shall still cherish the hope of such a return.

But, as they are all absent this day, I am compelled to understand them as *decided for the present*, to accept their dismissals for the purposes named, namely, to be organized into a separate church; and I propose now to *close the case*, so far as my pastoral action in the matter is concerned, by a few brief remarks and prayer suited to the remarkable and solemn occasion. It should not pass without such notice.

1. The simple question—as in all the past, so in all the future—is, are *we* in the path of *truth and duty*: if so, let not your minds be *burdened with anxiety about consequences*. Let no one compel you to think that evil consequences *must ensue* in the path of truth and duty; or that *you are responsible* for any that may ensue, if you keep that path. The Hindoo, who sits in *Dhernea*, that is, who seeks to carry his point by refusing food till he dies, vainly thinks to lay the guilt of his death at the door of his unyielding neighbor. If he *will* destroy himself, his blood must be on his own head. If you pursue the path of truth and duty, no one can make you responsible for the consequences of the errors of others.

2. To the rule of *truth and duty* in regard to our future course, must be added what is, indeed, included—that of a *right temper*. “Be kindly affectioned one to another,” is a rule never to be set aside. No circumstances can ever justify a departure from it. Be the follies or the faults of others ever so glaring, the precept and example of our Lord calls us to kindness of temper, which, above all things is to be maintained towards those of whom we retain the hope that, amidst what seem errors to us, they are brethren and sisters in Christ. If you will follow this rule, you will avoid the greatest calamity that can befall those who bear the Christian name, namely, a spirit utterly unlike Him after whom we are called. I repeat here the rule for harmony, which I have often repeated in conversation,—“*Be at peace in your own bosom.*” Allow no unkind temper; use no reproaches; and keep

an open heart and open arms for the return of those who have gone from you.

3. There needs *no pains*, no struggle, to maintain your cause—the *cause of this ancient institution*. Do your duty; follow *truth*; maintain a *right temper*, and then *act as if this matter had never happened, or did not exist*. If your method be of man, it will come to nought; but if of God, it cannot be overthrown. Let your pains and struggle be for the prosperity of religion, precisely as if there were no new project rising up. Take no pains, make no struggle, to maintain your cause, other than what you owe if this event had not occurred.

4. The only answer you need make to past or future complaints is, *your own profit in the gospel*—your own edification and growth in grace, and your own effort that others may be thus profited. . . . With all your kindness to me, you fail yet in the *greatest act of kindness you can show me*; and that will prove the greatest of all blessings for yourselves. . . . You have given your testimony in behalf of the gospel I preach; and I thank you for that testimony; nor do I think I utterly lack the better testimony of a *profited people*. What I now claim is your *general acceptance* of my message—your obedience to the truth. What if you had yielded to my request, which lies printed in your houses, made near six years ago, and *I could now show the living epistles* in proof of a *true and faithful minister*? You raised your hands by hundreds the other day, in testimony of my private urgency with you for your spiritual good—my private commendation of the gospel along all the paths of life; and I thank you for that testimony; but, O, what if you had given the better testimony of *yielding to that commendation*? of fulfilling the promise which I have often seen upon you only as the morning cloud and early dew? What if you would now give this testimony? You need not take any pains to prove yourselves right, and others wrong—to prove *me* right: let all your pains be *in Christ, and through Christ*—to be right and do right. Your best aid to me, to this church, to this town—to union, to harmony—is to secure thus your own profit in the gospel!

5. Let not your interest in this matter *pass away without profit*. Great principles have been reviewed by you in the *Deuteronomy*, in the renewed lessons we have gone through. You have acknowledged their importance: let not the interest of the time pass away, and leave any of you where *you were before*. Follow the example of the Israelites after their review, and enter into the good land and large.

If you are Christians, be hereafter better, more decided, more vigorous, more growing, more constant Christians—not of yourselves, but taught to say, “I can do all things through Christ strengthening me.” A new responsibility rests on you.

If you have not begun the Christian life, *begin it now*—now, when the great principles of the gospel are fresh in your mind—now, when my ministry of ten years continues on your minds and thoughts—now, when, I trust, new desires and intentions have been awakened in your minds—now, when the Spirit breathes on you afresh—now, when many prayers are upon you. . . . So far as my own ministry is concerned in your welfare, *I have never had a better opportunity—never can have a better opportunity, than this present, nor you a better opportunity for profit*. Let it not pass unimproved.

6. Expect no blessing from my ministry on the present interest you feel, unless you have, in your own several cases a personal intention and compliance—a personal faith and prayer. Only so many as *comply* with the gospel can be blessed.*

Wareham, March 24, 1840.

To the Moderator of Council, assembled March 24, 1840, on the call of the aggrieved members of the Congregational Church, Wareham.

Sir,—The brethren and sisters who, I understand, have called you to organize them into a church by themselves, though bearing my official certificate of dismission, do of course remain under my pastoral charge until their organization is completed; and until then, *I owe them all the duties of a Christian pastor which can be rendered in their actual case.* I hasten to perform, through you, what to all human appearance *may be the last*. Yet not without hope in God, strengthened by recollections of his aid in as difficult emergencies, that even now, *in this last extremity*, my brethren and sisters may be kept from a step which I feel the deepest persuasion is *misjudged, and will at some future time be regretted by themselves*. At any rate, I will try to perform this last pastoral duty, and to accompany it with my earnest prayers in their behalf.

In my pastoral letter, on the same sheet with their several certificates, I have stated to them that I have no wish that they remain under my pastoral charge, unless it may be in such affection and confidence as they reposed in me when *I was* but what *I now am*; and on the other hand that nothing could please me more than their return to that former state.

This premised, I proceed to urge on you and the council over which you preside, that *before you proceed to organize the aggrieved members, you will try to bring them back to their true place; to their covenanted duties and privileges, into the unity of the church which they are dividing*; and this on either of the grounds on which alone their organization can be considered as proposed.

I. I will not think that the aggrieved members intend to proceed on the ground I must first name; I mean the actual ground allowed by the late council, and of course by the church acting under their direction, viz., “for the sake of peace” “if they persist in their request,” without “good and sufficient reason;” i. e. *their own state of mind interfering unreasonably with the peace of the church. . . .* Let the council pause, and advise and urge, before they constitute a new church on such a ground as this; “for the sake of peace,” on persistence in a request for which they have “no good and sufficient reasons.” If this be the ground, viz., *because these brethren and sisters will not be at peace with us, who have maintained unvarying kindness of spirit and manners towards them*, well may you pause before you sanction the final step; well may you forewarn, well may I entreat your aid in my own pastoral forewarning. What! A new church on the very principle and in the very spirit on which no church can stand;

* See document No. 1, art. 5.

in the very temper which it ought to be their daily care to suppress and overcome! A new church, organized on the very principle of disorganization, united on the very principle of disunion! Brethren and sisters uniting on a new covenant, in the very breach of their old one, and forming a new church of the meek Redeemer in the very spirit which was not in Him! uniting in the temper of needless and endless separations and divisions! There is no avoiding these humbling and painful exclamations, on the only ground of organization sanctioned by the council, February 26, 1840. An organization on such grounds is the very seed of disorganization; knows no stopping place until every man and every woman find "peace" in a church of their own; and until there is no longer any church organization in the world! Well may this council pause and forewarn, before binding these brethren and sisters together with a mere rope of sand; rather, before building them with the mere cement of explosion, before they attempt to establish solid walls by inlays of gunpowder. The *spirit* in which these brethren are permitted by the late council to be formed, would need but a spark to explode their church into fragments! *I will not think that my brethren and sisters intend to take the actual liberty furnished by the council, viz., "for the sake of peace."*

2. There is but one other supposable ground, viz., *that the aggrieved members consider their original grievance as a good and sufficient reason for their organization, contrary to the decision of the council.* Be it so. They take the liberty granted by the *second* resolution of the council, on the ground that the council decided wrong in the *first*; and I must suppose they appear before you to-day, *re-asserting their original grievance as a good and sufficient reason for being organized contrary to the first resolution*; while they claim it of us and of you on the *second* resolution of the council.

At this point, I quote in substance from my pastoral letter accompanying my certificates:

"I beg you to compare my whole character and doctrine with the remarkable list of charges laid before the council. Can you do this without suspecting that your whole course in this matter may have been misjudged?"

I now go farther, and, for the sake of these brethren and sisters, I ask this council to compare those charges with my *whole character and doctrine*, with what you have known of me in free and familiar intercourse, with all you have ever heard of me from the beginning of my public life until now, and with all my publications for a course of years. Nay, I dare even to ask this council to compare those remarkable charges, *with an unblemished character as a Christian man and a Christian minister, with that whole example of faith and fidelity amidst all the trials of life which I have been graciously enabled to maintain, and with the exhibition of sound principles and motives in my various publications*; and then to say if the charges laid before the former council are not, *in the last degree, groundless and absurd*; as plainly as would have been the charge of intemperance against my whole life of the utmost temperance; as groundless and absurd as the same charges would have been against any member of this present council, or against the fairest ministers in the land?

And what now? If not "for the sake of peace," then surely on the

original grievance; *on the reasons laid before council and by them set aside*, this new church is to be formed. What! A new church on the very basis of groundlessness and absurdity! A church, on grounds which the whole doctrine and character of thirty years prove to be null and void; and which, if there be any such thing as consistency of character, will be proved null and void by my whole future life! A church on grounds which hundreds of printed pages show to be utterly vain, and which hundreds more which I hope are forthcoming, will prove vain! A new church struggling into being by special efforts for the last two years, *on the declared absence of truths and principles*, which shine like the daylight on hundreds of pages which have been preached within that time, and which I hope within six months to lay before the public!* In a word, a new church on the *re-assertion of imaginary grievances*; the misconceptions of minds unaccountably perverted, whether by prejudice, or passion, or monomania; maintained still against the clearest evidence, and notwithstanding the deliberate and solemn decision of the very churches with which they propose to be in fellowship!

I speak boldly in this matter, not forgetting the lessons of self-abasement long taught me, but *as one that knows where he stands*; where he may presume he stands in *your* minds, and in the minds of the Christian public; and I do so in the hope that the very grossness of the error into which the aggrieved members have been unwarily led, may become the means of recovering them from it; that they will at length suspect, "that their whole course must have been misjudged." If I was astonished at that remarkable list of charges, outdoing all I had imagined, I had this comfort at least, that their utter extravagance and absurdity might be the means of their discovering that their starting point must have been delusion; and that they must needs return to the point from which they have departed, instead of still advancing, farther and farther in their wandering way. Will you entreat them to pause and consider before they proceed to build a Christian church on an utter mistake, on a manifest absurdity.

Let the supposition be made, *The list of reasons laid before the council are manifestly not true*; but these aggrieved members *think they are true*. What if they do? Will their utter mistake furnish a solid foundation for a Christian church? Let it be supposed that the minister of Wareham stands as fair for soundness in the faith, for earnestness and fidelity in the pastoral office, and for Christian character and conversation, as any of his brethren; but that these members *think their own list of charges true, to the contrary*. What if they do? Can their misjudgment about the doctrine, and conversation, and character of a ten years' ministry prove a solid foundation for a Christian church? Let it be supposed that the council who reviewed at large my preaching and procedure, and who were previously acquainted with my character and writings, and that the whole Christian public are well assured that those charges are groundless and absurd, but that these members have dwelt so long upon single expressions imperfectly heard and remembered; and have so long given to others *their own interpretation*, that they have at length convinced themselves

* See Sermons on Public Worship.

that their whole list is true! What if they have? Will *their conviction that they are true* furnish a solid foundation, if indeed, *they are not true*? Let it be supposed that my printed works, my embodied character prove those charges untrue; and that new works I hope yet to appear, will prove them untrue; but these aggrieved members, without reading them perhaps, still believe and will hereafter believe *their list of charges true*. What if they do? Can their dreams, amidst such realities, prove a solid foundation for a Christian church? Will not this council urge these members to pause and reflect before they begin to build thereon, lest they begin a work which, from the very nature of the case, cannot prosper in their hands; and which, if my works do at all live after me on this spot, posterity will look upon with utter astonishment. I cannot help thinking that if the grand-children of these aggrieved members shall read what I have published, and especially the actual record of my preaching and procedure for the last two years which I now propose,* that they will wonder where were the eyes and the ears of their ancestors, when they believed their own charges against the minister of Wareham, in 1840, who, more than any of his predecessors, had laid his whole doctrine and character before the public.

Nay, will not these brethren and sisters forestall the wonder of posterity by wondering at themselves, when I tell them that *their own list of charges before the council is utterly inconsistent with their own avowed opinions of me, with the confidence which, at this very moment, they repose in me!* Will you beg these members to pause one sober moment and reflect, and compare *their list of charges with their opinions of me*. Dear sir, we have had a remarkable thing in Wareham. In cases of difficulty, other ministers have found it trying to bear the reproaches of those that have set themselves against them, circulating and increasing in the mouth of common fame. May I say that my only trial has been that of hearing, oftener than I have desired, favorable reports of my Christian character from these aggrieved members themselves. I know not how it is. I trust that grace sought for more than thirty years has given me, amidst many imperfections and great struggles with still indwelling sin, *some consistency of character*; but more than I dare claim is constantly awarded me by these very brethren and sisters themselves. Will you bid them pause and reflect, before they go farther, on the question of the Saviour,—“Do men gather grapes of thorns, or figs of thistles?” If the minister denied or forgot the depravity of men, and the need of the Spirit, and left religion out of his habitual conversation; if he dishonestly and dishonorably preached and conversed, contrary to his obligations and professions as the minister of Wareham, assumed in his orthodox confession at his installation,—how could he attain that consistent Christian life which these members themselves have constantly, I will say, kindly, awarded him? Will you believe it, sir, that, though the former council did say, “for the sake of peace,” I have no reason to complain, unless it be of *too much praise*, of my Christian character; that, instead of being tried by the *hard things* said of me, I have heard only the expressions of their utmost confidence in my Christian excellence, more

* See “Sermons on Public Worship.”

than I dare claim that grace long and earnestly sought has wrought in me? . . . I am almost tempted to retort their charge upon themselves, and say, *they are not orthodox; they are not sound in the faith*, if they think that the little I have gained, and which they acknowledge in me, has been gained without a firm belief and diligent use of the great doctrines to which I pledged myself anew when I received the charge of this church.

I have now requested your aid in recovering my brethren from their course, on whichever of the two grounds you find them proceeding, whether *for the mere sake of peace*, as I will not suppose, or on *reasons manifestly groundless and absurd*. I pray earnestly that they may listen to me and to you, and return "welcome to our bosom;" but if they persist, I beg you then to fix their attention on the necessary question, *in what way we are hereafter to walk together*; whether as *churches in fellowship*, or whether the old church of Wareham will be considered *out of fellowship* with the new church which goes out from her? This point, of course, it is for them to decide; for, if our decision had been taken, or the decision of the churches, "they would no doubt have continued with us," having neither cause nor desire to break away from their venerable mother; and, instead of the *fellowship of two churches*, we should have, as formerly, sweet fellowship in one church, with one another, and with those sainted pastors and members, whom by faith we see among the "spirits of just men made perfect." The only consistent answer to this all-important and necessary question which these aggrieved members can make must be, *the new church either cannot or will not have fellowship with the old church*. This is the only answer consistent with the withdrawal of these members from the parish a year ago; with the absence of many of them since from our worship and ordinances; and with the absence of nearly all, that is, with their refusal of all fellowship since the late council. *I trust they will not be consistent*—will not carry out into the new church the withdrawal of fellowship, which they began in the bosom of the old. But if they do, then I beg you to ask them another necessary and all-important question, namely, *how they are to walk with your very selves; if you remain in fellowship with us?* Will they, can they, have fellowship with *you*, if you have fellowship with *us*, from whom they determinately withdraw? Will you beg them to settle, before they proceed to the final step, what is to be the relation of this *new church*, first to the *old church of Wareham*, next to the *churches which compose this present council*; and, lastly, to the yet *unbroken and unmarred fellowship of the Old Colony association*. Do they design to be out of fellowship with *us*, and, if with *us*, with *you*, and with the Old Colony association? If they do, doubtless you will pause before you set them up by an authority which they discard, and in a fellowship from which they withdraw themselves.

I trust they will make the inconsistent answer, "*No*;" we do not intend to be out of fellowship with the old church of Wareham: we hope to have fellowship with our own beloved mother still, and with all with whom in her bosom we have had fellowship." If they make you this inconsistent answer—as I trust they will—then ask them, "*Wherefore, then, break fellowship at all? Why break it merely to make it? Why separate into two drops, merely to flow together again? Why not*

leave these two drops united still in the one same vessel? Why not remain in the very fellowship to-day, to which, but in another form, you will return to-morrow? If they will, let them be assured that the church of Wareham will bid them joyful welcome; and I trust the people, seeing this glory upon us, will "fly as a cloud and as doves to our windows."

In aid of any effort the council may see cause to make, I refer them to my pastoral letter accompanying the several certificates, and to my letters of August 3 and August 17, 1838, laid before the former council, and now in the hands of Deacon Jeremiah Bumpus, one of the aggrieved.

I am aware how difficult the work is, to which I urgently invite this council, namely, *the recovery of my brethren and sisters from the final step to which they hasten*. And had my life been one of less varied experience; had it been without experience of deliverances as remarkable; nay, *had I not found such efforts as I now make and urge on you effectual, even at the last extremity*, I might not have attempted this last pastoral appeal; might not have thought it possible that it might issue in so remarkable a blessing as the CORDIAL REUNION OF MY WHOLE CHURCH UNDER MY OWN MINISTRY. But I have been disciplined by Heaven to such an effort and in such a hope as this,—to hope even against hope; and I dare not, I cannot, and will not, despair. Many recollections of my past life require of me this effort and this hope. Two only shall be named: *The mission at Bombay was twice saved from destruction by a last appeal, at the final extremity*; and that, too, when those last appeals required the *retracing of wrong steps*, by those from whom it was least to be expected. *Men in high authority honorably retraced their steps*, at the simple arguments, I trust, the honest and prayerful boldness, of men in low estate,—once the Governor and council of Bombay, to the astonishment and joy of thousands in India, England, and America; once the Court of Directors of the East India Company in London. The former appeal—I verily believe divinely prompted and aided—was made directly by the missionaries to Sir Evan Nepean, in arrest of orders of government, which, in twenty-four hours, would have placed the missionaries on board ship for England, and broken up the mission; and it was answered marvellously by counter orders at the very point of embarkation, when every box and trunk was prepared for the voyage, and actually in progress for delivery on board ship! The latter appeal was made in London, by the Hon. Charles Grant, in arrest of orders proposed to be sent out to India, by the Court of Directors, for breaking up the mission; and was based simply upon the honest and bold statements and appeals, first laid before the governor and council of Bombay, and by them sent to England. In the last extremity, one of the best of men took the pains to make an appeal on the original documents, *against the opinions and decisions of the Court of Directors of the East India Company*; and the marvellous answer to his believing effort in the last extremity, was an order for *establishing the very mission which they had resolved to destroy!* Can you wonder that, *thus disciplined to hope even against hope*, I make this effort, and in *this last extremity, in hope*. Sir, will you do me such a favor as Mr. Grant did, unasked, to the missionaries at Bombay? Will you take the documents, if need be, which place

this subject in its true light, and spread them anew before the aggrieved members, and join your own earnest effort to mine, *in hope, though against hope*, that he who marvellously turned, at the last extremity, the hearts of those in power over millions of men, will turn the hearts of these brethren and sisters to *their own Zion*, to their joy and ours, and to the benefit of this whole people, and of all who behold us.

True, it is *hard to go back*: it is hard to say, *I have done wrong*, in a course where men have resolutely begun, and in which they have encouraged one another; but *it is harder still to continue to do wrong*. Let these brethren and sisters know that, if they have taken the wrong path, there can be *no true prosperity and peace but in leaving it*; and the sooner the better for their welfare, their honor, and their usefulness. *They know that I have lived with them only in friendship*. Let them receive the honest earnestness, and even severity, of this communication, as the *faithful wounds of a friend*. Let them welcome its reproofs as "an excellent oil, which shall not break their head." Let them be assured that a deep regard for their own well-being, for that of the families from which so many of them are in my view causelessly breaking away; and for that of this church, which they are inconsistently forsaking; and of this community, which requires from them a truer and better light, prompts and urges this last appeal. . . . They have gone a length which, I presume, they thought not of when they took their first measures, until *they are proceeding to build a Christian church, either in a wrong spirit, or on the merest dreams*; and I beseech them, through you, and if you will, *by you*, to pause—to turn—to return to the kind bosom of their old mother—to set themselves on high again, on our own chosen hill, and thence to shed forth light and love and peace upon this community, and to beware of setting up an organization which may cherish and foster in them the very passions which it is our whole duty and interest, as it is our Christian profession, to suppress and overcome.

And if you fail with *the whole*, I beseech you then to *turn to each several one*, and beseech them to remember that, *as yet, they are no organized body*; that, in so far as they are under social obligations, they are bound, *each for himself*, not to the church which is to be, but to the church which already is; and that, *if it be wrong to forsake it, no numbers in company can make it right*—no, nor our certificate. Still their departure would be a breach of their original and solemn covenant.

Should my brethren and sisters disregard this earnest appeal, and the earnestness which I trust you will add thereto; and should you see your way clear to constitute them into a separate church, *without good and sufficient reasons in their original grievance*, and yet *for the sake of peace*, I have only to commit their future course to Him in whose name I have endeavored to serve them, and never more kindly and anxiously than in this closing act of my pastoral office over them. I beg you to leave this final communication in the hands of the new church, should one be formed, that they may have with them my last pastoral effort in their behalf. On my part, in like case, I shall communicate it to the old church, and place it on their files along with my letters of August 3 and August 17, 1838, for its future information, and for that of posterity.

With earnest prayer that the Holy Ghost may influence your hearts and theirs who have asked your aid,

I am with the highest regard, your brother in the gospel,

SAMUEL NOTT, JR.,

Pastor of the Congregational Church, Wareham.

March 25. The Rev. Dr. Robbins, the moderator of the council assembled yesterday, informed the pastor of the Congregational church that the brethren and sisters to whom we had issued certificates, in conformity with the result of the council convened February 24, had been constituted into a church by themselves, on the same articles of faith and covenant as the original church, and under the name of the Trinitarian Church.

He also gave information that the pastor's letter sent to the constituting council was not laid before them. The introductory paragraph being read, it was voted not to read it on account of its length!!

Wareham, May 1, 1840.

Rev. Samuel Nott, Jr.: Dear Sir—The following were the closing acts of the meeting of the First Congregational Society in Wareham, April 11, 1840, which, according to the vote of said society, I have the honor of presenting to you:

Resolved, unanimously, That the proceedings of our pastor, Rev. Samuel Nott, Jr., in managing and bringing to a speedy termination the difficulties he has had with a certain portion of his church, particularly the upright, candid, and public manner in which he has conducted the whole controversy, meets our decided approbation, and has strengthened our confidence in him as a man, a public teacher, and a consistent Christian.

Voted, That a copy of the above resolution be presented to the Rev. Mr. Nott by the clerk, and a copy of the report and decision of the council be requested for the purpose of having the same recorded on the parish books.

A true copy.

H. G. O. ELLIS, *Clerk.*

FOURTH PERIOD—MAY, 1840, TO AUGUST, 1843.

[In 1842, we found the parish debt increasing, and, as a parish, we then deliberately dismissed the minister.—See Memorial of September 23, 1845.]

Third Article of Warrant for Parish Meeting, March 7, 1842.

To pass such votes in relation to the contract between the parish and their pastor as they shall deem the interest of the society may require, and adopt such method for raising money for parochial purposes as shall best promote the harmony and interest of all concerned. [Compare p. 21.]

March 7, 1842.

Voted, That the First Parish in Wareham give the Rev. Samuel Nott, Jr., notice that his connection with said parish be dissolved at the end of six months from this date, and, after that time, he look to the subscribers who have or may subscribe to his support for future compensation for parochial services.

*Copy of Subscription Paper.**

We, the subscribers, do hereby promise to pay the sums we set against our respective names to the several collectors in the districts in which we reside, for the purpose of paying the Rev. Samuel Nott, Jr., for his services as pastor of the First Parish in Wareham, and for paying Joseph B. Leonard for ringing the bell, making fires, and for coal, &c.,—the half to be paid in June, and the balance in December.

Wareham, March 7, 1842.

March 6, 1843. Being still in actual charge, under the vote of March 7, 1842, and the subscription list of the same date, the pastor gave two receipts referred to in the *Legal Opinion*, the first of salary in full up to September 7, six months from the above notice,—the other from subscribers to his salary from September 7, 1842.

Wareham, July 29, 1842.

Messrs. E. Bumpas, S. Gibbs, and S. T. Soule: Gentlemen,—In answer to the inquiry made by one of you this day, with reference to my understanding and intentions as to the vote of the parish of 7th March last, communicated to me by you, as their committee, I submit as follows, namely:

The vote of the parish, that the connection of the pastor “be dissolved at the end of six months; and, after that time, that he look to the subscribers who have or may subscribe to his support, for future compensation for parochial services,” does, of course, according to the original contract, release the parish, as such, from all obligations after the expiration of six months; while it proposes a continuation of “parochial services,” to be rendered in dependence upon such compensation as those who have subscribed or may subscribe may give.

Whenever I shall learn officially what I am to expect from the subscribers, to whom the parish vote directs me to look, I shall make such communication as the case may require. It is sufficient, for the present, to say, that, so long as I give no notice to the contrary, I consider myself bound to your service, on the conditions of your vote, just as strictly as by the original contract; in lieu of which, for the length of time that silence gives consent, it is, in truth, accepted; and that the avails of your subscription, whether less or more, must be received as my whole claim until I shall have given you six months’ notice to the contrary.

* See account of this subscription in Letter to Parish, May 1, 1843.

I trust that, as on a former occasion, your parish will be able to resume its original contract; and that, in our deeply interesting and solemn relation, we shall be mutually blessed and a blessing; so that, when our brief union here is ended, we may be united in an affection and bliss that will know no end.

With the greatest affection to yourselves and your constituents,

Your pastor,

SAMUEL NOTT, JR.

Wareham, May 1, 1843.

To the First Parish in Wareham, assembled in Parish Meeting:

My dear Friends,—I make my communication in person, in order to be the more surely and completely understood; and I would read over a second time any parts, or the whole, rather than miss that sure and complete understanding which I desire. Having laid before you my views, I shall put this document in your hands, and immediately retire, and leave you with my best wishes and prayers to your deliberations and decisions.

On the 20th April, I delivered the following letter to the committee of the parish:

“Messrs. E. Bumpas, S. Gibbs, and S. T. Soule: Gentlemen,—In my letter to you under date July 29, 1842, in reply to your communication of the vote of parish of March 7 preceding, I said: [See p. 58.]

“I have waited from the date of my letter for the information referred to, and at length came to suppose that it would be officially given on the full view of the case, which must, of course come before your annual parish meeting. Receiving, however, no communication therefrom, my only resort was to the parish clerk. To my great surprise, this application resulted in the information that no order was taken or vote passed on the subject at all; and that our relation stands as it was left by the vote of the parish, March 7, and my letter, July 29, 1842; so that what was a *temporary consent until the parish could give definite information*, stands as the beginning of an indefinite and unlimited agreement.

“In this state of things, inadvertently on the part of the parish as it may have occurred, I have no alternative, whether in view of my own necessities, or the welfare of the parish, but to give *the notice to the contrary*, named in the above extract, and to request that a parish meeting may be called without delay, for the following purposes, namely:

“To receive a communication from the pastor, in reference to the relation of pastor and parish, in consequence of the vote March 7, 1842.

“To see whether the parish will resume their original obligation, from September 7, 1842, the date at which that obligation closed.

“If not, then to see what obligations to the pastor the parish will assume from September 7, 1842; and, in either case, to take such measures for raising the salary as the case may require.

“Or, failing these, then to take such measures as may belong to the parish, in order that the pastor may avail himself of the subscription

'for his services as pastor of the First Parish in Wareham,' made in consequence of their vote March 7, 1842.

"Praying for divine direction to myself and the parish, I remain, &c."

I now proceed to make the communication to the parish, to receive which they have been called, in answer to my request, and which I hope may be found preparatory to the other business to come before you. The necessity of my own affairs, the demands which some of you have against me, and, as I apprehend, the best interests of the parish, require immediate and decided action in the case. Conscious that I am doing my duty, and seeking your good, I shall speak with the utmost freedom.

I have first to make my grateful acknowledgments to the parish for the prompt payment of a liberal salary, for a long course of years, and to the subscribers, also, of 1842, for their liberal subscription. I have further to express my sense of the skill and kindness of the gentleman who for the most part has had charge of the finances. If at any time there has been delay on your part, he has, almost without exception, made punctual settlements with me, and, at my necessity, has often made me advances before payment was due. With these acknowledgments, and with every sentiment of affection and respect, I proceed to such statements as my own necessities and the best interests of the parish require. [A reference to private affairs omitted.]

Thus much upon my necessities. I proceed to say, that *definite engagements suited to your actual ability are most important to the welfare of the parish.* On your account, as well as my own, I consented to your indefinite proposition of March 7, 1842, *no longer than to give you a fair opportunity to test the good-will of the people in order to give official and definite information—no longer than to enable you, as in 1837, to resume your original contract, make some other definite proposition, or to give the absolute six months' notice, which would be your only remaining choice.* My letter to the committee, July 29, 1842, already referred to, awaited official information, and promised thereon "such communication as the case might require." An unlimited consent to an indefinite proposition, I consider, would have been, and would now be, to your injury no less than my own. Subscriptions raised from year to year, without any definite obligation, to be received in full whatever may be their amount, must wane and decay far beyond the natural tendency of all subscriptions, which I illustrated from your own experience of five years, and from that of my former congregation, in my letter to you of November, 1837. A copy of that letter I have brought with me to-day, if you need any argument on a point which I am persuaded you will think most plain. I must suppose the parish equally unwilling with myself to spend three or four years in an experiment of declension and decay, so easily foreseen. It is not to be expected of a community who have been faithful and generous so long. At any rate, I utterly decline an indefinite contract, as any pastor must do who would not inflict injury any more than receive it; who either respects himself or his people, or is worthy to be respected by them. An indefinite contract is a contradiction in terms. A contract for definite service on an indefinite subscription has in it the contra-

diction of a double, which is yet but one. It is at least as absurd as a definite salary for indefinite service—as eight hundred dollars a year for as much or as little service as a pastor might choose to render, whether the whole or any portion of the year. Should Providence continue my residence among you, for any period after our contract has expired, most heartily will I render you any service in my power which you may desire, with indefinite compensation, or with no compensation at all; but, as I said five years ago, in my answer to your proposition then, “I decline decidedly, and without hesitation, the proposition of retaining the pastoral office on the tenure proposed.” Of course, unless you see cause to check the operation of my letter to your committee on the 20th April, my obligations to serve you must end on the 20th October. Should you allow this issue, because you are unwilling to make definite engagements, you will probably wait long before you supply my place. Such is not, such ought not, to be the custom of the churches. When at length my place is supplied, no doubt you will hold another pastor to definite service, and yourselves under a definite responsibility.

But is there any reason why this parish should decline a definite contract? Is there any difficulty in their holding the only true and dignified position of a public body—of any parish which means to live and breathe, and not die a lingering death—that of a specific and exact responsibility? Is there any difficulty, after having done it for thirteen years, to continue to hold that position with the present pastor? You have tried the good will of the people by your last subscription, and what is the result and the conclusion? I have materials furnished me by the committee on your vote of 1837, Messrs. Silvanus Bourne and Abisha Barrows, which will enable me to aid the answer to this inquiry. Those gentlemen, in answer to my request, gave me the result of your subscription for five years previous; and that result was copied into my letter to the parish of November, 1837, already referred to. By the document thus furnished me, it appears that, in 1833, you collected by subscription \$660 73, giving you a surplus of \$120 to pay old debts. In 1834, after a deduction of ten per cent., \$392 29, and leaving a deficiency of \$30; in 1835, \$572 72, even, and of course paying the above small arrears; in 1836, \$413 30, leaving you in debt \$150; and in 1837, \$543 01, leaving the parish in debt \$262 92. Adding these collections of five years together, you have a total for five years of \$2,585 05, making an average of \$517 01 a year. With this amount, and your means from other sources, you paid your salary for five years, saving arrears of \$142 92, being the remainder after subtracting \$120 arrears paid out of your first year's subscription, or an average arrears of \$28 18 a year. If you add this to the average amount raised, you will have exactly the amount you needed to raise in order to pay the salary, namely, \$549 19, which may be taken as a tolerable guide to the necessary amount of parish collections annually, supposing your other means to be as they were. In your last subscription you have raised, as it stands in the book, \$702 32; of which, from the best information I have been able to obtain, about \$630 have been actually paid, while of the balance only a very small amount can be considered as doubtful. Supposing, however, the list available only to \$650; you have then more than your an-

nual need, as estimated on a course of five years, by above \$100; that is, your annual need is \$545 19, and your last subscription is available for \$650.

And this subscription—\$100 more than your average need for those five years—was raised by no extra effort—no excessive subscription of a part of the community, that they might supply the lack of many declining; but by one hundred and thirty different individuals, on a scale similar to that adopted in the former course of five years. Of these one hundred and thirty, I find sixty-five of and under \$3; ten from \$5 to \$3; twenty from \$10 to \$5; ten from \$15 to \$10; and four over \$15.

It is not for the pastor to decide whether the parish are so far sustained by the good will of the people to their pastor, as to justify them in taking the responsibilities which they have honorably fulfilled for a period of thirteen years; but if the people are dissatisfied and reluctant, they have taken a most singular way of showing it, namely, that of raising more than \$100 above their average wants. Indeed, the only conclusion is, that at large, the people do retain the same confidence and good will as was expressed at the parish meeting April 11, 1840, in a vote, of which they ordered their clerk to furnish me a copy, as follows:

“Resolved, unanimously, That the proceedings of our pastor, Rev. Samuel Nott, Jr., in managing and bringing to a speedy termination the difficulties he has had with a certain portion of his church, particularly the upright, candid, and public manner in which he has conducted the whole controversy, meets our decided approbation, and has strengthened our confidence in him as a man, a public teacher, and a consistent Christian.”

I think the whole community will bear me witness that, by whatever course, amidst my imperfections, I had won in ten years this testimony, which I wish were better deserved, I have at least been steadfast in that course, and am as worthy of their confidence, as a “man, a public teacher, and a consistent Christian,” as I was three years ago; and what other conclusion can be made from the subscription list but that that confidence has been retained?

Can it be possible that a parish which, after more than ten years’ acquaintance with their pastor, and after having tried him through various difficulties and temptations, passed such a testimony unanimously; and which, after three years more, on a return to subscription, raised \$100 more than their average need, have any cause to hesitate on taking a definite responsibility, and even their original responsibility, honorably maintained for thirteen years? I dare to say, there *is* no need of hesitation, and there *will* be no hesitation. This parish *will* strengthen their bands by a resolute decision to pursue their ancient course, before they lose the habits and the vigor which definite responsibility for a hundred years, from their fathers downwards, has given them. If they will sustain a strong parish, they must continue their course of a definite responsibility. If they will make and bequeath a weak and broken one, they have only to pursue the down-hill of indefinite subscription.

I will not affect to be ignorant that, notwithstanding the public showing of satisfaction to which I have referred, you are not absolutely

unanimous in your desire to retain my services. Except in two or three cases, however, I know it by no direct communication whatever, and those of persons whose names I do not find on your subscription list; nor by hearsay, even, of any proportion of the whole number of either parishioners or subscribers. Of course the question arises, Shall the minister resign, or the people discharge him, in order to get *a minister in whom all can agree*? Let your own history answer the question. A minister resigned, or was discharged, or both, in 1828; and, after contentions and divisions, which forced you into union, you at length called a minister, in 1829, *in whom all did agree*. And for how long? Why, that perfect agreement may have lasted eighteen months, or two years; and, in five years, it was made plain before the community that you had a minister *in whom all did not agree*. Suppose, at that time, nine years ago, your minister had resigned, or been discharged; what assurance have you—I will not say that you would have got a better minister, but one in whom *all would agree*—in whom all would have continued united?—that within three years again, you would not have found so much disagreement as to require, on the same principle, *his* removal, in order yet again to find one *in whom all could agree*? and that, in three years more, you would not have dismissed another, and called another; and might not have been now, after still another three years, on the eve of a fourth breaking up since 1829? If I had resigned, or been discharged, in 1834, who shall assure you that, for the same reason, you should not have been broken up in 1837, and again in 1840, and be to-day met together, in 1843, on the question of dismissing pastor No. 4 since 1843, in the vain pursuit of one in whom all could agree? Instead of this you retained your pastor; and, notwithstanding a secession which we all lament, you were united as a large parish in unanimous confidence in your pastor in 1840, and held the great mass of the people in his favor, as appears by the subscription list, still in the summer of 1842! Shall you, then, begin to-day the futile attempt to secure perfect and continued agreement by discharging the minister? Can you hope a more complete and enduring agreement than you have maintained by keeping him? Who shall assure you—I do not say that you shall be perfectly unanimous in your next choice, but, if you are, that you shall be perfectly unanimous three years afterwards, or more unanimous than you are with your present pastor this day—that, on the principle of dismission, *in order that all may agree*, you are not opening the door for frequent settlements and breakings-up—for endless confusion?

In regard to the secession, which has been named, and which, it may be presumed, would return under another pastor, I may say the same as in view of whatever dissatisfaction there may be in your present body. If you dismiss your minister, while, to quote your own testimony, he is worthy “of your confidence as a man, a public teacher, and a consistent Christian,” and while you are not sensibly lessened in numbers or weakened in strength, in order that those who withdrew from you and yourselves *may all agree*, you will then establish a rule of agreement, which must prove the most fruitful of all methods of disagreement. What then will be wanting to the smallest nucleus of dissatisfaction but to hold on against the great mass of the people, and to dissent, and await the operation of the rule by which all are to agree?

To agree to what? Why, to begin the short round of dissatisfaction and dissent, and agreement again; and yet again to go round, and yet again to go round that small circle of disagreement and agreement. . . . Let it not be thought that I am indifferent to the reunion of my friends with their ancient church and parish. I say *my friends*; for, save only that I know they have withdrawn from my ministry, I have never been able to look upon them in any other light than those who have adhered. So far as I have thought I might, without being offensive to them, I have maintained the same friendly intercourse, and have been ever ready to meet every opening or application for neighborly kindness or pastoral service; and most heartily do I wish and pray that they may see cause to shelter themselves under their ancient institution. But, in order to make their return a blessing, either to them or you, it must be on the true principle of Christian unity—the *submission of the minority to the majority*, and not of the majority to the minority—that *all may agree*. Should you dismiss your minister on the principle that the majority must yield to the minority, in order to unanimity, it may be expected to be long before you settle another minister. Such is not, such ought not, to be the custom of the churches. Such is not, such ought not, to be the custom of the country. When, at length, my place is supplied, no doubt it will be on the old settled principle, that the *minority must submit, so that all may agree*.

This principle being settled, the method of agreement is plain: agree to differ—while you yet retain your minister, so long as you find him worthy of your confidence, “as a man, a public teacher, and a consistent Christian,” and you have sufficient numbers and strength to sustain him. Had I thought otherwise—had I thought that my resignation would have assured you that perfect and continued unanimity which my quiet and peaceful course has ever aimed to promote, I would have resigned nine years ago, and left you to the enjoyment of a pastor *in whom all could agree*. I did think otherwise; and I now think that you have had more peace and harmony for nine years past, are a less divided people now, than had I then resigned, or you discharged me. Judging from the experience of fourteen years since I first came among you, I anticipate no gain to the future by a separation now, in the beginning of change, *that all may agree*. I shall not contend with you. I do not wish any of you to contend for me, in order that I may hold my place. But I shall not give up my place, nor advise any of you to give me up, under the false idea of promoting peace thereby. The true way to avoid contention is *not to contend*; to keep peace, is *to be peaceful*; but not to forsake one’s post of duty because there are signs of disagreement.

If you look abroad upon the churches, you will find abundant and melancholy confirmation of the mistake of discharging a minister in order to secure a perfect and continued unanimity. Indeed, it is impossible to keep pace with ordinations, installations, and dismissions. So rapidly they occur, so constantly do they keep the ministry in motion, as to make good the caricature rule, “that every minister ought to be settled on horseback,” and to require its counterpart, that “every parish ought to settle their minister with a saddle and bridle in their hands.” So rapidly do they occur, so constantly do they keep the ministry and the people in change, as to show the whole ministry and

the whole people in two opposite and inconsistent characters,—the ministry at once popular and unpopular—liked and disliked—everybody's choice and everybody's refusal. The next minister settled *that all may agree*, is the last minister dismissed because *all could not agree*. The last minister dismissed because his usefulness was at an end, is the next minister received at the highest pitch of usefulness. It is a pity above all pities—a disgrace to the Christian name above all disgraces—if the pastors are worthy to be so received and discarded. . . . If you ought to discard me, no other people ought to want me. If another people can call me, as worthy of their confidence as you thought me fourteen years ago, as you thought me three years ago, then you ought not to discard me; and in doing it you may find, instead of perfect agreement, that you have but established the principle, and made the beginning of perpetual discord and confusion. In voting, therefore, for or against your minister, vote according to your judgment of his worthiness or unworthiness, and not *against that judgment*, in the vain hope that to contradict yourselves, will secure complete and continued unanimity.

Of course, you will not require me to seek union by preaching views different from those which I actually hold and uniformly declare, or by actions false to my principles. You will not require me now to begin to contradict the whole course of my ministry in word and deed, which I fully laid before the council of 1840, and published to the world in the volume on Public Worship, and which you approved unanimously in your vote of April 11, 1840. I assure you I do not wish you to sustain me in the office of a Christian minister, on any other score than that I am to preach the preaching that I think God bids me, and both to do and to shun according to his word. I have tried to know truth, and to declare it—to know duty, and to do it—not in disregard to the feelings and wishes of those who may differ from me, but with all the sentiments and words and acts of kindness; and this is the only accommodation, for the sake of union, that your conscientious good sense will either require or approve. You will never long be united in any man who makes it his rule to accommodate himself to the variety and the changes of opinion which must always be expected in any large community—the surest method of confusion. You will not long value and respect any man who does not maintain a conscientious and steadfast course, without contention on the one hand, or cringing servility on the other—who does not walk upright and straight forward, without either kicking or creeping. You need not be alarmed if such a course shall again and again cause disapprobation here and there. Take time, and the conscientious good sense of the community will seal his conduct with their approval. What, for instance, if, last winter, there might have been a few who judged hardly of the minister, because he did not join the cry of the second advent for February or April, 1843, or at least try to make that false fear a means of doing good;—would those few themselves, would the good sense of the people, have valued him more on this first day of May, or in 1844, or in 1845, because he did not shun this profane and vain babbling of 1843?

Again, I do not overlook the fact that some have withdrawn themselves from us, to connect themselves with our Methodist neighbors.

But what if they have?—if the vacancies they have made have been continually supplied by the natural growth and extension of the families that adhere; by the flowing in of those who had never located themselves any where, and by the return sometimes of those who withdrew; and if, on the whole, your means of providing the necessary supplies are not found to decrease? It is now more than twelve years that I have witnessed the occasional alarm that every body was going to the Methodists, and that your ministry would be left to bare walls, and that the burden of support would soon fall upon a handful of adherents; and these fears have been proved causeless by a house as full as ever, and payments as numerous and as large as ever.* Besides, whatever differences of views and measures there are between me and my neighbors—and they are such as my own course makes sufficiently manifest—it has been my hope, from the beginning, that they would provide the advantages of a Christian institution for that large surplus population for which our house did not provide, which again and again, through the whole town, I have urged to public worship; and if the Methodist house is well filled, what trouble is that to us, at least so long as our own house is not emptied thereby? For my own part, excepting only that I must not be understood as approving views and measures, which every body knows I do not, I see no reason why both I and you shall not rejoice, that, while our own numbers have been held good, while our own sittings are as fully taken as ever, and many of our pews are over seated, that our neighbors are well filled also. Instead of complaining or trembling at this, I have only to say, It is in accordance with my own earnest and persevering efforts, if not in any degree the consequence; and if, in addition to this fuller attendance on public worship, any or many have repented, and believed, and obeyed the gospel, then have they yielded to the very call which I have been making in this house, and over this whole town for fourteen years, and in their improvement I myself may justly claim no small share. The only question in this matter with which you have any concern, in your deliberations to-day, are, whether, in view of a long course of years, you are accustomed to fill up whatever vacancies occur by the preference given to your neighbors, and whether your present ministry maintains the influence in the town which ought to be connected with your ancient establishment, and has yet so much interest in the minds of the people, that you can sustain it without unreasonable sacrifices. These things settled, you may renew your obligations to your minister without concern, letting those go freely who wish to go, and receiving those kindly who wish to come, and striving to bless the whole population, thankful if those who may differ from you carry out in any degree the desire of your own hearts and the work you have yourselves begun.

Shall I say, yet further, that I have sometimes heard my want of success among you referred to as a reason why the great majority which has so long adhered to my ministry should give way, in order that a more successful minister might occupy my place. On this point I can have but little to say, except that, in my own judgment, I have fallen short of the success which I have earnestly sought, while, for a

* Compare Memorial of September 23, 1845.

course of years, I have been in some humble degree longing after you *all* in the bowels of Jesus Christ; and to remind you how loudly and how steadily I have called for faith and repentance and meet works from every soul among you; for the law of God in your hearts and on your door posts, and on your gates, and on the palms of your hands, and on your foreheads; and how I have plead for your encouragement and warning, that the "same Lord over all is rich to all those," and only to all those, "who call upon him."

And yet I might demand that the fault of mine, on which you might resolve this day to cast me out, should be, *that I have failed to give instruction*, not that you have failed to comply with that which I have given! that *I have failed to publish the gospel*, not that you have failed to receive it! that *I have failed to attempt to present every man perfect in Christ Jesus*, and not that you have failed to welcome, the grace which should "present you, holy and unblamable and unreprouable in his sight." Surely the claim is too much, that I should be not only the teacher, but the learner, too, for every scholar that I teach; not only to preach the gospel to you all, but to answer to you all because you yourselves do not believe and obey my message; because you yourselves will not be cleansed in the fountain opened for all; nor "purify yourselves even as your Lord is pure," by that grace which is published to you all. Instead of discharging your minister, because you refuse to comply with his instructions; because you are not as penitent, and believing, and obedient, as good men and as consistent Christians, as his instructions require, it were better far to see your own error, and, instead of waiting for another minister, to yield to the instructions of him who is now set over you; to try to become as true converts and as faithful and stable Christians as he claims of you: assured that you may search Christendom over, and not find a minister who can prove a blessing to you on any easier terms than your compliance with his instructions.

And yet I am not willing to admit that I have labored altogether in vain among you. . . . I was sent for once, at dead of night, to a dying bed; and, the moment I entered, the exclamation was, "I have sent for you to tell you how much you have helped me, again and again, for many years past." . . . I trust that, in the day of account, there will be found many who, during these years have passed away, who were *much helped* by my humble ministry. I trust, also, that not all who are now alive have been utterly unprofited by the instructions of fourteen years; that I may have aided a clearer apprehension and deeper sense of the demands and the provisions of the gospel; have prompted many minds to repentance and faith and obedience, and have sown seeds of early and large increase, yet to prove gloriously that I have not labored in vain. . . . Nay, as already intimated, I am not altogether unconnected with whatever successes may have resulted from the labors of others. I shall leave time to decide whether the successes of others are true and solid. But if they are, as all must wish, then the harvests which they have reaped, already white and ready to their hands, were from the seeds which I and my predecessors had sown: "Other men labored, and ye are entered into their labors."

One other suggestion will prepare me for a close. If it was really the intention of the parish that their notice of March 7, 1842, should

issue in the dissolution of our relation as pastor and people, I have nothing more to propose; though, in that case, I should have preferred a frank and unconditional six months' warning, instead of a measure intended to wear away our bonds. But, as I never had the impression that the vote of 1842 was intended by the parish in any different way from that of 1837, when they resumed their obligation,* I shall proceed to a suggestion which may aid the business of the day. . . . I have understood that, at the meeting, March 7, 1842, there was reported a debt of \$250; while there was also an apparent unwillingness to continue the method of taxation; and that the subscription was adopted as a trial of the minds of the people, and the notice given to satisfy the minds of any who might apprehend a danger of increasing arrears. The result is before you. The arrears, even if the pastor's claim had not been put in check, have not increased. Two dividends from your fund, namely, of April and October, 1842, must be supposed nearly to have cancelled them; while, if you resume your obligations, as in 1837, they would come back again, in part at least, in a new debt, accruing since September 7; or, after collecting and applying your subscription in the usual way, you may be in debt nearly as much as last year, that is, if you resume your obligations to the pastor. . . . There are, as there were a year ago, but two ways of meeting this debt; the one, that it should fall upon the pastor; the other, that it should fall upon the parish—a great burden to him, in the circumstances which he has frankly stated—a light one to each of more than one hundred persons, if it be subdivided among them. Indeed, I have no doubt, if the subject had been completely before them, the subscribers would have cheerfully raised that additional sum last year, by a voluntary subdivision among themselves, and without any perceptible burden. Of course, it is submitted, not to my opinion, but to their own choice, whether they will do it this year; and I shall leave them, with much gratitude for their long kindness, to that choice. . . . But if it were more easy than it is for the pastor to bear the whole burden, there are reasons both on his account and yours, which may well make him hesitate. "A burnt child dreads the fire." . . . My people in Galway became in debt to me about the same amount, besides owing three times that amount to two former pastors. I began with subscribing one-tenth of the debt due myself—\$25. . . . I ended in deductions and losses to the amount of \$500; and the important question is, was it with advantage to them? Why, when it was too late, they roused up, and, without one dissenting voice, subscribed my original \$600, a sum I have always thought equal in value to \$800 here. After my departure, and many difficulties of uniting, they called a man at \$450, rising \$50 upon my closing salary; and since their dismissal of him, after two or three years, my second and third successors have been settled, I understand, on \$600 and \$650. . . . In truth, there was no gain to them in the pastor's payment of that debt. They meant it in no unkindness, as their last unanimous effort proved; but there was no gain to them. If you make a similar proposition, I shall not take it as meant in unkindness; but, as a man of business, and somewhat observant of such affairs, I venture to predict it will be no gain to you.

* Compare Memorial of September 23, 1845.

The parish may well think that I am not altogether selfish, certainly that I am not inconsiderate, when I give my decided opinion that it is their best and even their easiest course to provide for their own arrears, and to pay their original salary. They will find themselves the stronger if they do so—the weaker if they do not. The small relief among so many is not motive enough for beginning the hazardous experiment, which never knows where to stop.

Nevertheless, I have a suggestion to make, that is, only on the supposition that the parish wish the relation to continue, and certainly not otherwise. If the parish, in view of the difficulties of the times, which I do not wish to overlook, and of the failure of any dividend from their fund this spring, think it indispensable, then will I submit to a deduction from my original salary of \$50 a year for five years from January 1, 1842. . . . This, of course, must check the surplus by which I had hoped to make good former deficiencies, but is better for me as well as the parish, than the indefinite proceeding, which, while it crushes me, cannot fail to weaken them.

These statements and suggestions before you, I take it for granted you will act this day with promptness and decision. . . . If there be any question still on the good will of the people, you can settle it before you part, by testing their willingness to do. If you prefer taxation, you can decide to-day whether you are willing to tax yourselves for the sake of the present minister. If you prefer subscription, you can determine in half an hour as well as in six weeks, how far the parish may bind itself thereby. . . . As you fail or succeed before you part, you can govern your decision, and both pastor and people will know what they are about, instead of being in that indefinite state in which your last parish meeting left us. . . . However you decide, I shall proceed as if your decision were final. If you resume the relation, I shall proceed as heretofore, thankful for your confidence and affection, and striving, I trust, more and more earnestly to do you good. . . . If you do not, I have nothing more to say. I shall make no complaint that you have used the right to which I consented in our original contract, and shall proceed in your service until the 20th of October, without further reference to the subject, and wishing it not to be referred to; and shall endeavor to finish my six months as may become a Christian minister, employing his last and his short opportunity in doing good to a people long and tenderly beloved—in such a manner as not altogether to lose your confidence “as a man, a public teacher, and a consistent Christian.”

In this case—that is, if you leave the relation to close on the 20th October next—you will then see cause for my request, “to take such measures as may belong to the parish, in order that the pastor may avail himself of the subscription for his services as pastor of the First Parish in Wareham,” made in consequence of the vote March 7, 1842. This request was grounded on information received from the parish clerk, and manifest, on the subscription list itself, that that subscription had been chiefly collected and employed in payment of parish dues—a matter, of course, of no consequence, if the parish resume the relation; but requiring attention if they do not. The request has this importance to me, that I have been deferring payment to many of you, awaiting the action of the last parish meeting, and now awaiting such decisions

as may enable me to avail myself, as far as due, of my diminished means.

I have now laid before you the matters which it seemed to me the case required. I have endeavored to prepare this paper with all the Christian deliberation due to the importance of the subject to you and me, and as became a paper which, in case of my dismission, must be laid before the council, as introductory to those inquiries into my character and conduct for fourteen years among you which may enable them to decide what testimony they shall bear of me to the churches; whether, as you received me fourteen years ago, and as you declared unanimously three years ago, I am still worthy of "confidence as a man, as a public teacher, and a consistent Christian."

In conclusion, I have never wished for change. In truth, I dread it. When I came among you, the parting with the friends of six years seemed like the giving up of the ghost. I have now spent more than twice that number of years with you in love, and have arrived at an age when attachment to home and friends is more settled and permanent. *Life is too short to be ever on the wing.* In my domestic state, too, I have seen a young family grow up among you, wanted and attached; and though part of them removed, in various ways of business, yet loving to return to their Wareham home and early friends. In truth, Wareham, by your long-continued confidence, has become more decidedly my home than any place since I left my father's house, at seventeen years of age; and by about the same length of time that my memory could then trace. Of course, it is my decided wish to remain among you. I could not leave even the house I have lived in, the garden I have wrought, the trees I have planted and nurtured, the pleasant river and land points which have pleased my eyes for many years; and, above all, I could not leave the friends whom I have loved, and the whole community, in whose welfare I have felt and cherished the deepest interest, without regret. . . . Nevertheless, I would not leave you to understand that I am either distracted or desponding. I have yet, I trust, no wish, but, whether here or elsewhere, to be found bearing and doing whatever I may know to be the will of God. In all my changes hitherto, I have seemed to find his sustaining and guiding hand. And whatever may be the issue of your present meeting, I hope to find in my own bosom, and to show to you the fulfilment of the assurance, "Thou wilt keep him in perfect peace whose mind is stayed on thee, because he trusteth in thee."

But if I dread change, have not you yet more occasion to dread it? However desirable it may be to me to retain my present office and income, it may be more desirable to you to retain me in it. For, while I may, in the favor of Providence, find more eligible circumstances, you may be but entering on the beginning of troubles. Again, if I wish the more to remain fixed, because I have staid so long, the same reason, it might be hoped, would make you desire that the relation be continued. It were to be regretted, if your full acquaintance with me, were the very reason for your choosing to run all the hazards of a change, if you wanted me, only while you did not know me; if you are ready to discharge me because you have found me out. Having tried to live in simplicity and godly sincerity, and having never come to that pass before, I feel a humble confidence that it cannot be so now.

On the other hand, with health rather improving than decaying, I am at an age which promises many years of full and faithful service, and at which, in civil and political life, the tree is expected to yield its ripest and most abundant fruit—when the highest interests of the country are supposed to be intrusted to wisdom and vigor, in a union which cannot be expected in early life. It were indeed a foul blot on Christianity, if the ministry were an exception to this expectation from mature age—if this hope ought not to govern the decisions of the parish.

The truth is, however it may be with myself, neither character nor influence are acquired in a moment. *The best influences are those which came not, which go not, in a day—which, strengthened and ripened by years, yield larger and still larger increase.* And if I have been what I ought to have been for fourteen years among you, your reasons for retaining my services must be greater than when you gave me your unanimous call—reasons of the greatest importance to yourselves, and to those who shall live after you are gathered to your fathers. I desire to be useful to you—to all—to you and yours *now*; but I have a still larger wish, namely, so to conduct myself as “a man, a public teacher, and a consistent Christian”—so to proclaim and adorn the doctrine of my God and Saviour—to be so sound and stable in all the principles of truth and duty, that my influence may remain as the inheritance of you and yours after my decease; so that what cannot belong to a ministry of short duration and frequent change, may remain beyond the period of my natural life, a blessing to Wareham; that, along with the memory of the lessons and virtues of “Old Mr. Thatcher,” and “Old Mr. Everett,” there may be some profitable remembrance and tradition of Old Mr. Nott.

Your affectionate pastor,

SAMUEL NOTT, JR.

Public Communication.

Wareham, June 11, 1843.

In order that the relation in which we stand, as pastor and people, may be duly known and considered, it is proper to state that I learn from the records that the parish meeting called at my request for definite and decided action, has been dissolved without any action in the case. Of consequence I am obliged to receive it as the expressed will of the parish that our relation as pastor and people shall end on the 20th of October next, contrary to my desire and hope expressed in my address to the parish May 1.

If the parish *do not wish* the connection dissolved, no doubt they will take speedy measures to prevent what they do not desire and intend, before any measures on my part shall render the separation unavoidable. Where there is a will, there may be found a way.

If it is not the will of the parish that the relation be continued, I shall feel myself at liberty, without long delay, to take my own measures accordingly; as I shall be compelled, in about three months, to request the church to unite with me in an ecclesiastical council, to inquire “into my character and conduct for fourteen years among you;” and to decide what testimony they shall bear of me to the churches. If the parish leave the case as they left it on Monday last, I have only to say, in the language of my address May 1,—

"I shall endeavor to finish my six months as may become a Christian minister, employing his last and his short opportunity in doing good to a people long and tenderly beloved, in such a manner as not altogether to lose your confidence 'as a man, a public teacher, and a consistent Christian.'"

Wareham, June 16, 1843.

To the Moderator of the last Parish Meeting: Dear Sir,—You have taken pains to signify to me that the dissolution of the last parish meeting without action in the matters before them is not, in your opinion and that of others, to be understood as expressing the will of the great mass of the people against the continuance of my office among you as pastor. On the other hand, you have renewed the view presented me by the committee of the parish, during their sitting of June 4, namely, that the face and prospects of the subscription list for 1843 warrant the expectation of a revenue from subscription alone of about seven hundred dollars. At the same time, you stated to me your deep regret that, notwithstanding this fair prospect, the parish did not seem disposed to assume any responsibility whatever. . . . In this state of things, you have asked me whether I would accept the responsibility of individuals. I have already made answer, by word of mouth. I proceed in this paper to give that answer, in an exact and permanent form. I shall be glad if it may be filed among the documents of the parish. The time must come when the public will approve it.

1. So far as security could be desired, of course the responsibility of such individuals as you have named would be perfectly satisfactory. . . . And yet, if the question were on security alone, I must object to laying a burden on a few which belongs to the many. If they were to suffer from their bond, I should be unwilling to accept from them more than their own part of the public obligation.

2. As a public man, serving a public body, I object altogether. A parish is not a mere collection of individuals, but a public body, existing from year to year, and from generation to generation, like a town, a state, a nation. It is banded together; it is made compact and firm; it lives by its obligations and responsibilities—by its common liabilities for the public service—by requiring and receiving the contributions of its members for the general well being—by its continued action in sustaining its responsibilities. . . . It is thus that a parish lives from year to year and from age to age, while its successive members are passing from life and rising into life, still undecayed and strong. It lays, indeed, some burdens, requires some duties, receives some gifts from its several members; but it returns more than it takes. It makes property more valuable, as it is received from ancestors, and descends to posterity, or as it passes from hand to hand, and is used for the purposes of life. It so aids education and the public morals, so promotes all that is desirable for the present life, and all that is profitable for the life to come, as to be indispensable among the institutions of society. The individual, the family, the school district, the town, the state, the nation, receive its care like waters at the root. Such a parish, almost a century old, I found here in 1829. With such a parish I have lived fourteen years, and seen it vigorous and active at the beginning of its second century, and have enjoyed its advantages in my own person and

family. It has never refused to take its obligations on itself. It has never suffered by fulfilling them; nor has any individual felt a burden thereby, which was worthy to be named in comparison with the advantages received. I should feel as if I were unworthy to be your minister, and were encouraging you to unworthiness, if I were to accept the kind offers of individuals, in lieu of the obligations of the parish itself. At any rate, I must submit to all the hazards of losing place and income, rather than do a thing so contrary to what seems to me to belong to a public man in fair and honorable dealing with a public body. If the parish, after the vigorous life of a hundred years, begin to refuse all responsibility to its pastors, I will not be the first on that list. If the parish depart from the way of their fathers, of all New England, and of the Christian world—if it will not breathe the life of a definite responsibility—if it will begin to die—it must do so without any sanction or agreement on my part. . . .

I take this occasion to say, further, that my refusal to accept of the proposition made me by the committee of the parish, during their session June 4, and my adhesion to my communication of May 1, were not at all from any want of confidence in the subscribers, nor from any conviction that it was desirable, either for me or the parish, that we should part. Indeed, had I considered it the true method of sustaining and preserving the parish, and that it belonged to me to take charge of the finances, and had your committee added yet further the offer of the avails of your fund after the existing parish arrears had been cancelled, I would gladly, as a man of business, have accepted your proposal, as at least equal to my proposal of May 1; that is, beginning with 1842; that I would have paid your debt in five years, with only the deduction of fifty dollars a year from my original salary. . . .

And why could I not? You actually paid me \$800 for five years from 1832, when you received only \$517 a year from subscribers, and, with \$545, would have done it without arrears. With these data for my assurance, I would have had no hesitation as a man of business, if I had set to work as my own financier, but that I would have accomplished the payment of your arrears at a less sacrifice of salary than I proposed May 1. I need not say how much out of place and out of character I should be in such an undertaking. As I believe the subscribers speak their sentiments on the subscription list, and that the parish meant what they spoke, when they sent their committee to request my acceptance of that list, and do not wish the connection dissolved, I will close this letter by my own suggestions as to what should be done, namely:

1. That two or three individuals undertake, without delay, to complete thoroughly the subscription list begun May 1, that the full amount may be ascertained.

2. That, in so far as the reluctance of the parish to assume responsibility, as is alleged has grown out of non-payment of former assessments, that the individuals concerned be applied to, to do at least what they may think belongs to them, according to the *rule of mutual support*, by which all public bodies must exist.

3. The probable net avails of the above means being ascertained, that a parish meeting be then called, to resume the original obligations

of the parish, or to make such definite propositions to the pastor as these means, in connection with the fund, may warrant.

This being done, however low you set the terms, whether it be such as I ought to accept, or you ought to offer, or not, there will at least be proof that the parish, as a public body, lives and breathes, with some promise of life in the time to come.

With my mind made up, as on May 1, to accept your renewed obligations, with thankfulness; or your refusal, with cheerful submission; and wishing that my prayers and labors for the good of the people may be blessed, whether I preside over the parish for a longer or shorter period,

I remain your affectionate pastor,

SAMUEL NOTT, JR.

Wareham, July 31, 1843.

To the Parish: Dear Friends,—To meet the inquiries of several parishioners, I beg to repeat my proposition of May 1, with an additional clause, which will make it plain, beyond all doubt, as follows, namely:

“I will submit to a deduction from my original salary of fifty dollars a year for five years from January 1, 1842, the condition of a six months’ notice remaining as heretofore.”

It has been pleasing to me to learn that the subscription made since my full and frank communication of May 1, promises to be as available as the one preceding, and more available than the average of your taxes and subscriptions in the most prosperous times; thus justifying the calculation on which my proposition was based. With like subscriptions hereafter, and supposing the subscribers to hold together in parish relation, so as to be entitled to the avails of the parish fund, the arrears for which my proposition was intended to provide, will be cancelled at the end of the five years, and a balance be left in the treasury, without any extra subscription or assessment.

My proposition was limited to five years, because no longer time seemed needful, and I wished the parish to see how needful I thought the surplus fifty dollars was to me in the circumstances frankly declared. You will readily suppose, however, that my proposition was made under the impression that the deduction would become permanent, and continue as long as our relation. I think it therefore best to say, notwithstanding all my needs, with thankfulness to the parish for all their kindness, and trusting in Providence, that I shall not object to such a vote as the following, namely:

That the parish resume their original obligations to the pastor, with the exception that the salary be seven hundred and fifty dollars a year, reckoning from January 1, 1842; the condition of a six months’ notice remaining as heretofore.

In the hope that our relation may long continue, and that greater fidelity on my part and yours may be accompanied with the greatest blessings to you and to your families,

I remain your affectionate pastor,

SAMUEL NOTT, JR.

To S. Gibbs, N. Hamblin, E. Crocker, Committee.

I hereby accept the terms proposed in the following vote :

“ Voted (at parish meeting, July 31, 1843), That the parish resume their original contract with Rev. Samuel Nott, Jr., from January 1, 1843, except that we pay him seven hundred dollars, instead of eight hundred, per year, provided he will accept the same.

With earnest desires and prayers that our agreement in this matter may be followed by blessings above all price,

I remain your affectionate pastor.

FIFTH PERIOD—FROM AUGUST, 1843, TO APRIL 17, 1844.

Application for Re-admission.

We, the undersigned, members of the Trinitarian Church in Wareham, feeling that we might better promote the cause of our blessed Redeemer by dissolving our connection with said church, for the purpose of uniting with the First Congregational Church in said Wareham, do hereby lay our request before said Congregational Church, hoping that they may receive us again into full connection, believing and praying, as we do, that the old church, set up by our forefathers in Wareham, for which we have always had the kindest feelings, will continue, and receive a blessing from our Lord and Saviour Jesus Christ, that shall continue it as a light to the world through future ages.

[Signed by eleven males and four females.]

At a church meeting called to consider this request, September 8, the following motion was decided in the negative, namely,—That the request of the Trinitarian Church be granted, and that a mutual council be called to carry this vote into effect.

This vote being negatived, other resolutions were then moved, and the following substitute was passed, namely :

Voted, That the request of the Trinitarian Church be referred to a mutual council, to examine the records of this church in reference to their dismission, to make such inquiries as to their present views, as they see proper; and if they see good cause, then to dissolve the Trinitarian Church, and to incorporate its members with this body.

The resolutions suggested by the pastor, to which the preceding substitute was moved, were as follows, namely :

1. That this church is ready, on a proper mutual understanding, and in a regular way, to give a most hearty welcome to their brethren and sisters of the Trinitarian Church, or to any of them, in the hope, according to their expression, that we, as well as they, may, by our re-union, “ better promote the cause of our blessed Redeemer.”

2. That the kind and Christian expressions of their application require the supposition that they are ready and desirous to unite with us as we are and as we were when they went out from us; that is, to sit down with us under the present ministry of the word and ordinances, and that there is no existing difficulty in the way of a happy, enduring, and useful re-union.

3. Nevertheless, as their communication is silent on that point; as the grievances on which they sought their dismissal are on the records of this church, and were laid openly before the churches and the world; as those grievances have been manifested until now, by their uniform absence from the ministrations of our pastor, up to the date of their request, when destitute of the word and ordinances themselves;—therefore,—

Voted, That we consider it as belonging to Christian open-heartedness and plain dealing, and as required by the importance and publicity which they have given to their grievances, and by their visible adherence to them until now, to declare that our cordial welcome is voted only on the understanding that the grievances which appear on our records and in the documents laid before the council of 1840, are, after long reflection, given up as groundless, or at least so far given up, that our brethren and sisters are now ready and desirous to sit down with us under the ministry which they find over us—to do their several part with the parish in sustaining it; and to unite with us in the earnest endeavor to be profited and to profit others by the “preaching and procedure” to which, by their communication, they do, in effect, ask to return.

4. *Voted*, further, That, if these brethren and sisters do retain their old dissatisfaction with the preaching and procedure of the pastor, so far that they are not ready to sit down under his ministry to be profited themselves and aid the profit of others, then it is not for the comfort or usefulness of either them or us that they be received. It cannot be desirable on their part or ours that a course which led to the forewarning of church censures should be aforethought begun; that a union for the sake of disunion should be aforethought attempted; that, having been dismissed “for the sake of peace,” they should be received for the purpose of contention and strife, on a matter where they do not expect or intend to agree.

5. That, if our brethren and sisters of the Trinitarian Church be not yet prepared to unite with us on the understanding required, then do we most cordially and earnestly invite and urge them to make trial of attending divine worship and ordinances with us, as members of a sister church, for such length of time as they may find necessary; in order to unite with us cordially under the pastor they find in charge, or by being confirmed in their old dissatisfaction, to withdraw their request. . . . It is our hope that a six months’ candid and prayerful attendance, striving to be profited and to profit others, would prepare the way for a happy, useful, and enduring re-union.

6. That these votes are passed in agreement with our expressions of August 17, 1838, renewed February 2, 1840, on record, “in the unfeigned desire and hope that our brethren and sisters will yet return; welcomed to our bosom, and proceed with us in mutual affection and diligence in the great work of mutual edification and of public usefulness, burying forever the dissatisfaction which has been expressed in kind oblivion, as a subject which has no occasion even to be named.”

7. That the officers of this church are hereby authorized to unite with a committee of the Trinitarian Church whenever they shall declare themselves ready, in calling a mutual council, “if they see cause

to dissolve the Trinitarian Church, constituted by council March 24, 1840, and to incorporate its members with us, according to the mutual understanding required by the votes of the First Congregational Church, passed September 8, 1843."

October 20, 1843.

The church being called "to see whether they would take any further action in regard to the request of the Trinitarian Church, refused to reconsider the vote of September 8, eight voting in the affirmative, nine in the negative. The pastor read the following paper :

Pastor's Communication.

The question before the church is of great importance, whether in regard to its present or future welfare, or whether it be considered in regard to itself alone, or in its connection with all the churches. I have taken pains, therefore, to present my own opinion with great care, and in a form which may remain for reference and use hereafter.

I recommend and urge the church to *adhere strictly to their vote of September 8*, for the simple reason that it is, without a doubt, the vote which it was right to pass—the very vote of all others which was most proper and right in the circumstances, and by which, therefore, they may safely and ought to stand fast. . . . I shall, before I close, suggest an addition to this vote, which you may adopt if you see cause; but I advise that there be no change in your original vote. Providentially you were right at first—exactly right—so exactly right that, try whatever other way you will, you cannot be so nearly right, and will be wrong just in proportion as you depart from that true and right vote. . . . You may try six years, instead of six weeks—you may consult clergymen and lawyers—you may submit the question to councils—and it is so plainly right that you will only find that, providentially, you voted exactly right the first time—that it is impossible for you to pass any other vote so just and so Christian—that any other of the hundred which might be proposed in its stead, would be less just and less Christian. You cannot depart from that just and Christian vote without making matter for regret. . . . In truth, there is no other right way of meeting the request of your brethren, but that marked out, in as few words as possible, in your vote of Sept. 8—without submitting the records and facts in the case to the inquiry and the judgment of a council.

Think of it carefully for yourselves. Can there be any right way but to submit their request to be received, to the very same kind of court as you did their request to be dismissed? Will you take the judgment into your own hands now, and out of the hands of the churches, to whom you submitted it then? Will you take it upon yourselves to reverse what they did at your request, without consulting them; and thus, in regard to making and unmaking Churches, put yourselves out of fellowship with the sisterhood of churches to which you belong?

Again, is there any right way of submitting the question to the judgment of council without submitting the facts, in the best of all

forms—the record of those facts—and without inquiry as to the present views of the applicants in comparison therewith. . . . Can there be any right way for a new council to act, without first knowing how and why the former council acted, and what new reasons may have arisen for undoing what they did—for receiving those whom they decided should be dismissed? Is it right to call men to judge without opening to them the means of judgment? Have you any right to call a council to do your business, except in the right way? Must not any proposal for a council be wrong which does not require the examination of the records, and an inquiry as to the present views of the applicants? This is *the* right way; and no different way can be right.

All this is true in every case where there has been a record; and where a former decision is submitted to a new investigation. How peculiarly important in the present case; and that, whichever supposition you make as to the present views of the applicants.

Suppose, then, that their views are altered, and that they are no longer dissatisfied with the preaching and procedure of the pastor, and give up those serious charges which they laid before the council of 1840; is there any right way of returning but to acknowledge their error as publicly and openly as those charges were made? Is there any other way in which they could wish or even be willing to return to his ministry?

Or suppose their views unaltered, and that they think it most for the good of the cause that they should come into full connection, that they may renew their efforts for his removal; *is there any right way of returning but in the open and frank avowal of their views?* And what else can they wish but the opportunity to repeat and justify their former charges, and thereby not only to re-enter the church, but to gain strength by the renewed effort to accomplish a removal, which they have so many years desired? At any rate, is it right to ask a council to decide, without asking them to find out which of these suppositions is true?

Again, the examination and inquiry are the more necessary, in view of the whole history of these brethren and sisters since they were separated from you. They were set up side by side with you, in fellowship, but they have remained voluntarily out of fellowship. They have not had regular services, so much as one-half of the time, and yet they have had no fellowship with you in the services of your pastor, with the exception, it is believed, of two individuals, and in their case not more than twice. They have not had the Lord's supper on their own part, it is believed, for about two years; and yet, with the exception of one individual, for once, they have never communed with you. Nay, with the request to return into full communion on their lips, they still keep out of communion. The very day their request was laid before you, they were, with the one exception named, away from your worship and the Lord's table, and, with one other instance of exception, have remained absent until now. Is there any right way for a council to judge in such a case, without both examining the records, and inquiring as to their present views? Is there any right way to call a council, except to call them to do this?

Again, the reasons for standing fast to your vote are increased by the reluctance of your brethren to comply with it. . . . You opened

the door for their return six weeks to-day—the right door—as wide open as possible, and it has been kept open the whole time, and yet they have not returned. . . . Nay, they have been at the pains of requesting you to meet them in conference, in order to induce you to open some other door—to gain your vote—I trust not to engage beforehand your vote—to admit them without “a council to examine the records, and to inquire as to their present views;” to induce you, as I was informed by the deacon, as your messenger, to vote to receive them without referring the matter to council, on their being dissolved by some council called by themselves alone. . . . Surely you cannot think it right to vote to receive these members, if they are unwilling to have the record of the former council and your former doings reviewed, and to have their own views inquired into; unless they are willing either in Christian humility to acknowledge their error, if they think they have been in error, or in Christian boldness to stand by the right, if they think they were formerly right. Surely you cannot think that, when you have offered them a mutual council—when you have volunteered to them the choice of one-half their own judges—you are bound to yield to them an ex parte council, and to declare beforehand that you will accept their doings; that, when a mutual council has been declined, you will agree to submit to an ex parte council!! This is the most unheard-of, the most uncalled-for condescension, and will be so esteemed wherever its fame shall reach. Hitherto ex parte councils have been the resort, where a mutual council has been denied. It is reserved, perhaps, for Wareham to offer an ex parte council to those who have refused the free offer of a mutual council to judge an affair which, by their application, they cast altogether into our own hands.

You may look a little further if you will. Suppose you set aside your vote, referring records, inquiry, and decision to a mutual council—suppose you agree to receive them when a council of their own calling shall dissolve them—suppose that council to conclude from that vote, and from the request which they have made us, that the old objections are laid aside, and that there is now the happiest prospect of union and co-operation with the pastor, to whose ministry they deliberately return—as, of course, ought to be concluded from that silent re-union. But suppose, yet further, that all this is not true, and that they retain the very views on which they went out, and are ready to enter upon measures for his dismissal as their highest duty, and that your union came to pass only by blinding an ex parte council as to the merits of the case! How will you meet the churches six months afterwards, when you ask them to dismiss the minister on a grievance of ten years—the grievance at the dismissal, and the grievance at the return? What think you those churches will say of our unfair dealing, of the deception we palmed upon them, the falsehood which at least we acted, in bringing about our re-union? Be sure, dear brethren, that you do no such thing, unless you would hear the churches by and by cry out against you, and say, Why did you not use Christian simplicity when you came together? Why take our aid in making an agreement that declared every thing settled, when, in truth, it was only a movement to make every thing unsettled?

This right view of the case is not altered by any change of views in this church in regard to the minister, which may be supposed since 1840. If, in regard to the preaching and procedure of your pastor, you have come to differ among yourselves, and some, whether few or many, to agree with the complaints of 1840, and for this very reason your brethren wish to return—that is no reason why you should not have your records examined, and the inquiries made, but why you should; that this change of views may be known, and acted upon, according to the best judgment of the council. . . . The only person to whom this could be thought objectionable is the pastor himself. But be assured he will make no objections. If the case be so, as has been alleged, let it come out before such a council, and form one of the grounds of their decision. The pastor wishes no delay in bringing the question in regard to his relation to a point; and though a council, so called, can have no direct action in regard to it, it must have a most intimate connection with it. Let it appear, if it be true, that the majority of the two churches, when united, will be found dissatisfied as by the papers of 1840, and are desirous of the dismissal of the minister; and let the council, if they see cause, admit the members with that intention. . . . The pastor, so far from wishing the matter to linger, has intended, has tried, is trying, to bring it to a point; and, in order to aid the matter, if you decide as I trust you will, to remain steadfast to your vote of the 8th, he proposes that you then pass the additional vote—a vote which would have been out of place at your former meeting, namely:

That the council make such inquiries of the original church and their pastor as they see proper.

Should it appear to such a council that the views of this church are altered, and that it is right to bring them together with the intention of displacing the minister, the way will be prepared instantly to call the parish to a six months' notice, and in due course of time to issue the matter according to their wishes. The very moment you have a majority of the church, and a majority of the parish, you have the way all clear among yourselves; and, by your contract with the pastor, six months only are required to bring the relation to a close. . . . Do not think that I am unwilling that my preaching and procedure should be canvassed, or that I will lay one unnecessary bar in the way of the re-entry of my brethren, even though, as I was led to suppose by the declaration of one of them before the committee, they will come believing it to be their duty to do all they can to displace me. As I said to that brother, I will do all I can to gain their friendship, and to do them good, and to make them aid me in doing the good to this whole people which I have ever aimed at; and if, on their return, the church and the parish should at length give me an unconditional six months' notice, I hope to receive it without complaint, and to devote myself to their service and the service of all for the last six months as becomes one who has made it his endeavor to save the people by the truth, and who hopes to reap, in that six months, a harvest from the sowing of his own fourteen years, and of all his predecessors. Do not think that the subject of dismission is new to me, or that—dreading change, as before the parish I said I did—I am not familiar with, and in some sense prepared for the shock. It is now at least in the tenth year since it has been

most familiar to my mind, and not without an antidote to that fear. It was in April, 1834, just after I had read before the church my paper on protracted meetings, that the Rev. Mr. Holmes urged me to consent to such a meeting, as the only means of saving me from being dismissed. We walked the garden for an hour, and I closed the conversation at length by the following expressions :

“ Brother Holmes, do you suppose I do not know where I stand ? I know that I stand where, any moment, I am liable to be blown into the air. . . . But I have yet to learn that it is unsafe to do what, in my whole soul, I believe to be right. Who is he that shall harm you, if ye be followers of that which is good ? ” . . . From April, 1834, I have had sufficient time to become familiar with my danger. Happy shall I be if, in the hour of trial, I shall prove unharmed in the following of that which is good.

Do not think there is any unkindness, any want of love, any want of Christian reconciliation, in your vote of September 8, and in remaining firm and fixed in it. There may be unkindness in your hearts ; and if there be, let the leaven of malice be cast out with abhorrence ; but there is no unkindness in that just and Christian vote. Is there any unkindness in requiring that the case should be known and all proper inquiries made ?—in opening the way for your brethren to acknowledge their wrong, if they think they have been wrong, or to stand manfully and frankly by the right, if they have been right, as publicly and before such a tribunal as when they were dismissed ?

There is no true love and kindness except on right principles. There is no way of making a Christian union by stepping over all order and right in order to come together. To do so would be rather but the “ making up ” of children—the true way for children’s “ falling out.” The true way to be reconciled to your brethren is to feel toward them all kindness, and to take away every wrong, if you have put any in the way of their return ; but it is not to take away any right. If you have required any unreasonable thing, then brotherly love bids you take it out of the way ; if you have required only reasonable things, then brotherly love, ay, and peace and unity, require you not to remove it, but to hold it firm, that, when you do unite, it may be on right principles, with the hope of a useful and enduring union. Do not try to make return easy by taking away any difficulty that is just and Christian. You cannot make it thus easy to return without making it too easy to go out again. If you take away the just bars to coming within the fold, you will find you have taken away the just bars to going out again, and will thus find that your church has no fence of enclosure at all. Take care that you conduct this matter so orderly, so rightly, without taking away one right bar, that the record and the tradition may be a check upon needless divisions in all time to come, and that the report thereof going abroad may strengthen the enclosures of all the churches around you.

There is one supposition on which you cannot do your brethren a greater kindness, as well as greater justice to yourselves, than by standing fast to your vote, and thus requiring their original grievance to come under their consideration once more before the churches. *It may be that your brethren have been in the wrong, and that your withdrawal of your just and Christian vote would make you helpers in the*

greatest evil that any of us can suffer—success in a wrong course. I must here speak of myself. Allow, me, then, to say, I came among you fourteen years ago, with an honest and earnest desire to prove myself a true and faithful minister of Jesus Christ. . . . I gave you, before your call, in the plainest terms, my views of the crowning gift of Christianity—the Holy Ghost—and of Christian character and duty, as you will find them, pp. 205—208, of the volume entitled Public Worship. I have endeavored carefully and prayerfully to preach and live according to that specimen; and, in the mean while, I have laid before you and the world those specimens of doctrine and character, in the tract entitled, Preaching and Procedure, in the Telescope, in the Sermons from the Fowls of the Air and the Lilies of the Field, and in the Sermons on Public Worship, and have endeavored to form my character according to the holy truths which it has been my office and my privilege to proclaim. I have endeavored to be a true and consistent minister for the term of fourteen years, ever seeking to do you good, according to the specimen on which you called me, in all the steadfastness required by the permanent doctrines and privileges of the gospel, and with Christian kindness unto all, and no less to these brethren themselves than to others; and am not without an humble hope that, as a Christian minister, I have had and have part in the promise of my Lord, “Lo I am with you alway.” Is it, then, I ask you, my dear brethren, is it too much for me to say, *these brethren may have been in the wrong, and you yourselves may become in the wrong, if you aid them to prosper therein.* . . . They may have been in the wrong in those remarkable charges, which I heard with utmost astonishment at the meeting of church members in April, 1834, and which were repeated to me by the Rev. Mr. Holmes as having reached him in New Bedford, and which I publicly replied to in the Sermon on the trumpet’s giving an uncertain sound, published in 1839. They may have been wrong in the still more remarkable charges laid before the council of 1840, so entirely contradicted by a thousand printed pages, and, I would humbly hope, by a consistent Christian life. *It may be that your brethren have taken a wrong stand before you, this community, the churches, and the world, and have been holding up for years groundless charges, hindering thus the progress of the true gospel among you, instead of aiding it by their co-operation and their prayers, and you may become partakers of their wrong if you aid them to prosper therein.* If it be so, can you do them a greater kindness than by requiring them to meet the examination and inquiry demanded by your vote, and thus to pause for reflection, and for the impartial advice of the churches, and, if, indeed, they have been in the wrong, for repentance too; and can you do justice to yourselves by withdrawing that kind demand? On the supposition that they have been in the wrong, this is not only the kindest to them, the most just to you, but it is the Christian method of re-union. Nor think this impossible. . . . Deacon, I say to all as I said to you weeks ago, do not think even this impossible. Do not think it impossible that a difficulty in a Christian church may be even so settled. Do not think that there is no way of peace in a Christian church but by separating those who differ—no way of re-union to those separated but by yielding to the wrong on which that separation may have taken place. . . . “No, sir,” I said to

the deacon; no, brethren, I say to you; this is not the nature of our blessed Christianity: this is not all that I am bound, as a Christian minister, to hope for in regard to those over whom I have been set in charge. I believe in the power of the Christianity I preach, in turning to repentance those within, as well as without the church—in giving repentance as well as remission of sins within as well as without the fold of Christ. I have no praise to pronounce upon myself. All I say is, I have tried to maintain Christian and ministerial fidelity among you. . . . I have no reproach to cast upon my brethren. All I need say is, *they may have been wrong*; and if they have, then is there a higher, holier, more Christian ground of union than by withdrawing your vote—by yielding to the wrong they have done—without examination and inquiry as to the grounds of their removal and their present views. . . . It is not for me to decide what judgment the council of 1843 will pronounce, how far my views of the matter will be approved by our neighbors when they shall come and search us out. . . . But I can conceive them to take such views, to give such advice, and to be so aided therein by the blessed Spirit, as to bring these brethren to a true repentance of their wrong—if wrong, indeed, they have been—to a thankful acknowledgment that, in false kindness, you did not recede from your right and Christian vote, and to a cordial re-union with myself, even in the great work to which I am devoted. Should it be so—even though they might still prefer other modes of preaching and procedure—should they re-unite with me in all that is scriptural in mine, and in the high aim to adorn the Christianity we profess by well ordered lives and conversation—who shall tell us that the heavens would not pour down a blessing upon us, that there would not be room to receive, overflowing upon multitudes far and wide around us; that there should not be that *success* of which I have so long declared my hope, “more extensive, more reaching to every heart, more pure, and deep, and lasting, and growing, than either we or our fathers have known.”

In conclusion, we stand admonished this day that there is one above us against whose councils nothing can prosper, and to whose sovereign will we may commit all that concerns ourselves or the church. He has smitten our holy and beautiful house with the lightning from heaven, and laid waste our pleasant things, bidding us be humble, penitent, and faithful in all our attempts to serve him, and to remember how suddenly and how soon we may be called to render our account.

From Sermon on Fast-day, October 26, 1843, on Occasion of the Injury to the Meeting-House by Lightning.

I do not think it right to pass over in silence the internal divisions among ourselves, and which we are no doubt called upon by this solemn providence to make a matter of deep consideration and earnest prayer, if haply in regard to this also we may say,—Thou hast torn, and thou wilt heal us; thou hast smitten, and thou wilt bind us up. Be it our prayer that all differences of opinion may be turned to agreement, in that which is true, and lovely, and of good report; or, if that be denied us, that we may have the *grace to agree to differ*—to differ with mutual kindness and good will, either as separate bodies

living in Christian neighborhood, or as different members of the same body, kindly differing in all matters wherein we cannot agree. . . . There is one rule of peace which can never fail us as individuals, and will go far to produce harmony in the whole body or neighborhood to which we belong. Be at peace in your own bosom. Be kindly disposed one to another, and you will both be at peace, and in degree a peacemaker. . . . Be assured that an unkind, party-like, evil speaking attachment to me will give me no satisfaction. As you have occasion, state your principles, but without disputings. Act honestly, steadfastly, according to your principles, but without contention; and when your action shall become ineffectual, then submit patiently to providence—kindly to those who differ from you in the social body to which you belong. In this way only can you do your part in turning unto the Lord, and promoting the prosperity of our Zion.

With regard to myself, as the cause of difficulty, I have a few words to say—not, I trust, untimely—not unsuited to this solemn occasion. Let me, then, say, that I have no personal difficulty with any one—with few or with many. I came among you in the honest and earnest statement of principles to which I have endeavored honestly and earnestly, and as inoffensively as possible, to hold fast, as became a consistent man and Christian: of those principles you have before you the epitome given before my call, as quoted in sermon eleventh of sermons on Public Worship, and of the demands for steadfastness in them. How should I have deserved your pity and your reproach had I, in order to gain your favor, turned aside from them! How must I have lost all hope of being a true disciple and minister of my Lord, if I had acted contrary to principles deeply fixed in my own mind, and long established, tried and tried again in circumstances of difficulty, and becoming at every trial more clear and more firm. . . . So plain are they to my own mind, so evidently scriptural, so belonging to the fulness and the glory of the gospel, that, if I were to receive a more abundant unction from on high, and come more fully and truly to love the Lord with all my might, mind, and strength, and my neighbor as myself, I must suppose that I should only be more steadfast and unshaken in my principles and my course. With these views, and under the solemnities of this visitation of Providence, so suited to make the minister as well as the church and the people try his thoughts and ways, it is right that I should say—You cannot expect a change in my preaching and procedure. It would be the joy of my heart if, in pursuing the course which I believe true and right, I could have the approbation and co-operation of you all; but if I cannot, and you take the responsibility of breaking up the relation in authorized ways, I shall make no complaint, but shall embrace the brief opportunity which may remain to carry out my principles among you for your benefit—to fill out what may prove my last opportunity with you as a Christian pastor. . . . But this may be done on your part as well as mine without complaint. You will not complain of me, that I have tried to be a consistent Christian and minister, according to my avowed principles when I came among you. I shall not complain of you, if, after the earnest labors of many years, you differ from me, and take the measures for our separation on which we agreed when we began. . . . I am not unmindful of the tendency of things to this result; nor shall I wonder or regret if it be hastened

by the course on another matter connected therewith, to which I have advised as most just and Christian.

With regard to principles, as they have appeared in my preaching and procedure, I have the fullest assurance that they will at length prevail among you, and every where else—that they *must*, in order to the fulfilment of the prayer, “Thy kingdom come; thy will be done on earth as it is in heaven.” It has been my hope that I should see them prevail here—not in the failure of all revivals of religion, but in the *revival of religion*, such as might be expected under the deep conviction of the EVER-PRESENT SPIRIT—of the abiding opportunity upon all the paths of life, and of the advantage of permanent ordinances and arrangements for human life. . . . In present circumstances, it seems likely that this hope will be cut off, unless even now, with this visitation to pastor and flock, this long sought blessing might be found suddenly among us, “prepared as the morning, and as the latter and the former rain upon the earth;” unless even now I might be welcomed among you, not proposing less, but perhaps more, than your own hearts have heretofore dared to demand—more steadfastness in the declared disciple, and more rapid and abiding changes among the people.

But should it be otherwise, and you should take the responsibility of bringing my well-meant labors to a close, I shall cease my office, without complaint at any regular and authorized discharge, but in the hope and belief that the time will come, must come, when my principles will prevail on this spot, where I have endeavored to extend and establish them—when Sermons for Children, Sermons from the Fowls of the Air and the Lilies of the Field, and Sermons on Public Worship, shall prove seeds scattered among the labors of other men, of that glorious harvest which will yet wave here and over the world. I rejoice in the assurance that, absent or dead, I shall yet speak of principles and methods of the highest value and importance; that these works many of you “will not willingly let die;” and that they will be a witness between me and you, of my ministry among you; not that I taught you to save yourselves by your own righteousness, but by the blood of Christ and the power of his Spirit; not that I sought for your salvation in numbers few and far between, but of you all; not that I sought for you a goodness as the morning cloud and early dew, that passeth away; but a blessing prepared as the morning which goeth forth, and as the former and latter rain upon the earth.

November 24, 1843.

At a church meeting called on November 24, the motion to omit the instructing clauses of September 8 being withdrawn,—

Voted, That the vote of September 8 be reconsidered; and that the request of the Trinitarian Church be referred to a mutual council, to examine the whole matter, according to their judgment; and, if they see good cause, then to dissolve the Trinitarian Church, and to incorporate its members with this body.

Result of Council.

At a meeting of an ecclesiastical council in the Baptist meeting-house, convened by letters missive from the Congregational church in Wareham, and the Trinitarian Church in Wareham, December 20, 1843.

Present,—

Rev. Thomas Robbins, D. D.,	}	From the church in Mattapoisett.
Br. Lazarus Le Barron, delegate,		
Rev. Jonathan Bigelow,	}	From the church in Rochester Centre.
Br. George W. Haskell, delegate,		
Rev. James A. Roberts,	}	From the Trinitarian Church, New Bedford.
Rev. David Dyer, delegate,		
Rev. Jonathan King,	}	From the church in Carver.
Dea. Thomas Hammond, delegate,		
Rev. Hazael Lucas,	}	From the church in Monument.
Br. Benjamin Bourne, delegate,		
Rev. Leander Cobb,	}	From the church in Sippican.
Dea. Stephen Delano, delegate,		
Rev. C. C. Beaman,	}	From the church in North Falmouth.
Dea. Joshua Nye, delegate,		

The council proceeded to organize by the choice of Rev. Thomas Robbins, D. D., as moderator, and Rev. C. C. Beaman, as scribe.

Prayer was offered by the moderator. The letter missive was read, as follows. (See vote November 24.)

The council proceeded to hear the statements of the respective parties, and made various inquiries concerning the views of each. From these statements, the council were very happy to find an apparent *preparation in the members of the Trinitarian Church, and in the pastor and members of the Congregational Church, for harmonious and Christian union.* In connection with these statements, the letter of application made by the Trinitarian Church to the Congregational Church was read, and extracts from the records of the Congregational Church. A statement was made by Silvanus Bourne, Esq., in behalf of the Trinitarian Church, exhibiting their views in reference to the proposed connection. Similar declarations were made by Rev. Mr. Nott, in behalf of the church of which he is pastor. Various inquiries were made of the respective parties, to which satisfactory answers were given.

In view of the subject thus presented to the council, at their suggestion, the following agreement was entered into by the respective parties, namely, *that all past grievances are considered as settled, and that any future grievances are to be issued according to covenant obligations.*

After which the council, in consideration of their high responsibilities to the great Head of the church, passed the following votes:

Voted, That the Trinitarian Church in Wareham be and is hereby dissolved.

Voted, That the members of the said Trinitarian Church be incor-

porated with the Congregational Church, possessing all the rights and privileges of the existing Congregational Church.

The council now commend, with great affection and thanksgiving to God, this ancient church to his merciful care and holy keeping, beseeching him to build them up in the order and purity of the gospel of Christ, and increase them as a flock, and make this Christian union the means of great and lasting blessings.

And the council earnestly enjoin upon this united church to love one another, and seek the means which make for peace, praying *that the blessings of divine grace may rest upon them and their pastor*, and prepare each and all of them to meet their Lord at his coming with exceeding joy.

On motion,—

Resolved, That religious services be held in this house this evening, and that, in connection with the reading of this result, the Rev. Dr. Robbins offer a prayer and the Rev. Messrs. Dyer and Beaman respectively address the people.

Passed in council.

Attest,

THOMAS ROBBINS, *Moderator*.

C. C. BEAMAN, *Scribe*.

Pastor's Views, laid before Council, December 20, 1843.

The views of the pastor will be seen in the set of resolutions which he suggested to the church on their first meeting to consider the request of the Trinitarian Church, September 8, 1843, which he here lays before council.* Those resolutions were discussed, and at length gave place to a resolution referring the matter to a mutual council.

In order to the distinct understanding which is most important, the pastor will now state his views, and as will be seen in agreement with these resolutions.

In the pastor's opinion, a re-union is most desirable. So undesirable was the separation, in his view, that he accompanied each several letter of dismission with an urgent protest, and sent to the organizing council an urgent request that they would do all in their power to prevent it.† It is now his like urgent request to this council that they will do all they can to secure a re-union. He feels more deeply than he can express the importance of re-union.

At the same time, the pastor desires a re-union only on right principles. The right principles in the case are required in the paper already read: he chooses, if possible, to state them yet more distinctly.

1. Whereas these members did, previously to their dismission, withdraw from the parish, from public worship, and the Lord's supper, on account of certain grievances, thereby breaking covenant obligations; and whereas, since their separation, they have lived out of fellowship with us in the word and ordinances, no proper re-union can be formed without an acknowledgment, on their part, of their error in these respects, and the definite understanding that, should new grievances arise, they are to be issued only in regular and authorized measures;

* See ante, p. 75.

† See pp. 47 and 50.

that is, by such applications to the parish, the church, and the churches as are warranted by Congregational usage and special agreement.

2. On the supposition that this council shall acknowledge, as the basis of their own proceeding, the decision of the council of 1840, then, on Congregational and Christian principles, if their application for reunion be granted, it must be on the understanding,—That the original grievance with the preaching and procedure of the pastor is considered as settled by the agreement of two councils, and their return according to that agreement; or, expressing these conditions more briefly, this council—that is, if they agree with that of 1840—will, I hope, require,—That the members of the Trinitarian Church be received on the understanding *that all past grievances are considered as settled, and that any future grievances are to be issued according to covenant obligations*;* that is, by regular appeals to the parish, the church, and the churches, according to Congregational usage and special agreements; and not by withdrawal from the support or the participation of the word and ordinances. This understanding being required, the Congregational Church may be required to receive them now, or if, after further consideration, they should renew their request.

I am thus explicit, in the desire to secure union on the only principles of union. These principles omitted, and it is not union that we form. Union cannot be made by the very principles of disunion. Covenant obligations cannot be at the same time taken and refused. A church cannot be bound together by a rope of sand; nor can a grievance be at the same time settled and unsettled.

This understanding is the more necessary in view of the fact that, when a council, virtually mutual, allowed separation for the sake of peace, they in receiving it did not leave us at peace; and, now, should they come back under the decision of a council actually mutual, it should, if the council so intend, render impossible all church action on old grievances.

These just views do not depend upon the particular grievance which led to this separation. Had it been any thing else . . . the bass-viol, for instance;—had the same breaches of covenant taken place; the same decision of council; that there were no good and sufficient reasons; the same dismissal, for the sake of peace; the same living out of fellowship for three years;—the same request to return, and the same reference of the whole matter to a mutual council,—*then*, there would be required the same acknowledgment that the original grievance was settled, and that covenant obligations hereafter were to be thus and thus understood.

Wareham, February 4, 1844.

Rev. Samuel Nott, Jr.: Dear Sir,—At a meeting of church members held last Friday it was voted, unanimously, that Mr. Nott be requested to notify a church meeting of male members, to act on important business; and that Silvanus Bourne be appointed to hand in the request.

* Compare result of council December 20, 1843, and pastor's paper, August 30, 1844.

Reply.

Mr Nott requests Mr. Bourne to specify distinctly the business to be brought before the meeting, and then he will most readily comply with the request.

Reply.

Dear Sir,—I do not feel at liberty to alter the notice which the church voted without consulting them. As I can have no opportunity of consulting them, I wish you to give the notice.

S. BOURNE.

February 12.

The pastor not having given the notice, Mr. B. requested him, in behalf of the meeting of church members, to give the notice next Sabbath for a meeting "to consider what will promote the prosperity of the church."

Sabbath, February 18.—Pastor's Communication.

I have felt myself bound to give the general notice which I have read you, namely, "To consider what will promote the prosperity of the church," though it is not what I expected, as defining the important business on which the church were by the formal notice required to act. . . . In the absence, then, of any definite direction, I have taken pains, since receiving this notice on Monday last, and, influenced by reports which had reached me, to inquire into the business likely to come before us, which I shall now state publicly, in order to induce the church generally to attend, and to prepare them for it. From good sources of information, then, I learn that the meeting of church members in which this call originated, on February 9, was an adjourned meeting from February 2, and that the question before the original meeting was, "whether it was best for Mr. Nott to continue here as the minister of this church and people;" and that this question being continued at the adjourned meeting, resulted in the request for a "church meeting to act on important business."

As, then, it has been thought advisable to introduce this subject, which was laid aside with so much confidence and hope by the council of December 20, not yet quite two months ago, I think it proper and important to read the result of that council, which, in the renewal of this question, is entitled to a public rehearing, and requires the especial attention of the church, as it must be a guiding paper in whatever proceedings may be taken on this business. . . . (See p. 86.)

As I shall propose, before I close, to bring the parish and church to a decided issue, I shall now read before the whole people my deliberate and careful declaration made on Fast-day, 26th October last. (See p. 85.)

I have further to state, deliberately and solemnly, that this *submission without complaint* to a dismission according to our original contract, is all the condescension, on my part, which this church or parish is entitled to ask or expect. I say this in view of the desire I understand to have been expressed at the meeting of church members, "that Mr. Nott would peaceably resign." Be assured that, whatever

I do, I intend shall be done peaceably, in accordance with the unsought testimony volunteered before the council of December 20, "that Mr. Nott was friendly to every body and every body friendly to him, so that it was not known that he had an enemy in town." In avowing, as I now do, my determination to sustain my ground among you until I am removed according to the terms of contract, or on charges regularly issued before the churches, there is no departure from the character thus awarded me. Neither my character as a peaceful man, or as a peacemaker among yourselves, requires resignation at my hands. A kind-tempered and Christian firmness at one's post is the best method of peacemaking—will make the most lasting peace. God grant that, by such firmness, I may prove such a peacemaker among you!

At any rate, peace may be too dear bought; and I shall not buy it, either for you or me, by such a quiet resignation and dismission, as shall give color to the complaints against my preaching and procedure which were laid before the council of 1840, and which have been continued since, notwithstanding its decision, and which remain, even after the council of 1843. . . . *I will stand before the churches on the merits of the case*, claiming the character of a true and faithful minister among you, with every hope of being owned and blessed, if you will but receive me according to your obligation in the Lord.

Much more will I do this after the avowal before the churches on the 20th December, that I am friendly to every man, and every man friendly to me; when, by a voluntary resignation, I must be understood as acknowledging that there are sufficient causes of separation, *notwithstanding the mutual kindness in which we have lived for fourteen years!* Do you think that I will quietly withdraw, leaving it to be said, "Mr. Nott was a good-tempered and well-behaved man, entirely unobjectionable in character and conduct, and there was no fault to be found in him but this!!!—*He was unsound and unfaithful as a minister!! he preached Unitarian sermons!! and Universalist sermons!! he did not preach repentance, or a change of heart!!*" I came among you at forty years of age, with a fair name as a sound and faithful minister; and do you think I will quietly withdraw myself at fifty-five under such charges—under the renewed and continued charges of 1840, still busily circulated in 1844—instead of requiring these charges to be laid before the churches, and examined to the very bottom, as the ground of my dismission? Do you think that, having brought with me the confidence of one of the most orthodox Christian bodies of the land, and a settled and established character, I will flee before these unceasing charges in Wareham, and declare myself unworthy of the Christian ministry any where? "A good name is rather to be chosen than great riches." There is not wealth enough in Wareham to purchase a resignation which might be interpreted as an acknowledgment of the justice of the complaints against my soundness and faithfulness as a Christian minister.

Again, I will not thus trifle with the churches. What! resign my charge within two months after the churches, in solemn council convened, have left us, pastor and church, "with all apparent preparation, as they declare, for harmonious and Christian union?"—after they have united the two churches on the express condition that "all past grievances are considered as settled?" Almost before the ink is dry

with which they wrote their result ; while yet " their thanksgiving to God " for our happy re-union is sounding in our ears, do you think I will resign, and call all the churches around to stand amazed at the farce we played when they last met us in Wareham ? Do you think I will make myself and you a reproach and by-word amongst all our neighbors ?

But there is one more view belonging to my particular character and history—to a name which, from the relations I have sustained, *must*, of necessity, go down to all time. It is, indeed, but little that I have done in the great work of spreading the gospel among the heathen, and yet I have seemed to hear for myself the words, " Thou didst well that it was in thine heart ; " and I have loved to think that I have some share in the great results from the small beginnings in which Divine Providence gave me an important and responsible part. . . . This at least is certain—that the name of Samuel Nott, Jr., *must*, of necessity, go down through all time as one of the few who were the humble instruments in leading forth the American churches to publish the gospel, in all its fullness and freeness, to mankind, and who, before the rulers of the pagan world, stood forth firmly for his Lord in word and deed—in documents which will never die, and must have place in the history of American missions to the end of time. . . . And do you think, after the charges of 1840, continued unworthily after the council of 1843, that, by a voluntary resignation, I will declare myself a traitor to the cause of the gospel before all nations, and send down voluntarily a traitor's name to all generations ? Do you think I will retreat before the charges of 1840, still upheld among you—to the current charges for substance like them, and of preaching Unitarian sermons, and Universalist sermons ; of *not* preaching repentance and a change of heart, and of not seeking the rapid growth and spread of repentance and the new birth among the people, and thus give *my own* sanction to the heresy and dishonor which some of you have attempted to fix upon the name of one who claims boldly to stand before the public, and the world, and all ages, as a humble but consistent advocate for more than thirty years of the very doctrines and purposes which some among you persist in saying he disallows and discards ? Do you think I will retreat before such charges, and allow it to go abroad over all the land—to the friends of my youth in Europe and in Asia—to the missionaries who are continuing the work which I began—and down five hundred years, into the very noonday of the millennium, that one of the pioneers in the effort made by the American churches to bring on that glorious day, Samuel Nott, Jr., turned traitor to his Master, and was obliged to retreat from the pastoral office, because he preached a false gospel to the few hundreds of Wareham ? because he was opposed to the revival of religion ; because he did not seek the rapid growth and spread of repentance and a new heart in Wareham ? . . .

I know too well where I stand ; I have too carefully considered my ground ; I have too carefully marked every footstep of the past ; am too well furnished with written and printed documents along my whole course among you, and feel too strong a confidence that my Master will bear me through safely, to think it necessary to retreat before the charges so marvellously held forth among you. " Should such a man as I flee ? " Be assured, on the contrary, that I will be *judged be-*

fore the churches, on whatever complaints you may see cause to bring forward; and that, instead of shunning, I will claim, the fullest examination and inquiry, in the confidence that I shall stand approved before them as a sound and faithful minister of Christ among *you*; in good consistency with my early career as a missionary to the heathen. . . . So far from the voluntary resignation referred to, even if the parish take the responsibility, as they have the right, of closing the relation, I will not even then allow the dismissing council to give me the letters of commendation which I will claim of them, *without requiring them to examine, from the beginning, my whole doctrine and service among you*, in view of these astonishing charges. These things cannot and shall not be done in a corner. These charges and reproaches shall be sustained, or they shall fall before the churches, and shall not be settled by the persevering and determined cry of few or many of the inhabitants of Wareham.

I have now, finally, to call this people to bring the question of my continuance with them as their pastor to an immediate and decided issue. It shall not be my fault if you have to pursue another course of church members' meetings and church meetings and parish meetings, on a question which may be settled without delay.

I call, then, first upon this parish. If this community will not sustain me in my course as a Christian minister, then let them avail themselves, without delay, of their right by contract, and give me manfully and decidedly, an absolute and final six months' notice. Let them do one thing or the other. If you will not decidedly sustain me, then I pray you *decidedly refuse to do so*; and if such be your deliberate mind, the sooner you do it the better. On the other hand, if you verily believe that you ought to sustain me, as a true and faithful minister, then *stand by me without wavering*, in so decided a manner as will prevent the progress of another ten years of agitation. Do one thing or the other.

I call next upon the church, in the exercise of their proper powers, to do their part to bring this matter to an issue. . . . But, in making this call, I must state my views of what those powers are, and how they may be exercised with effect.

1. The power of this church, in regard to the dismissal of ministers, is limited, in view of their connection with the parish, by the articles of agreement referred to in the pew deeds, entered into on the 18th February, 1829, whatever may be their tenor. I have never seen them. (See p. 21.)

2. The power of this church in regard to the dismissal of the minister is further governed and limited by the rules and customs of the Congregational churches of New England, and by the laws and judicial decisions of this commonwealth; that is, in order to dismiss their minister, this church must show cause, before a mutual council—before such a council as, by mutual agreement, established the relation of pastor and church. No vote of this church, by whatever majority, nay, not even a unanimous vote, can dismiss the minister, or exclude him from the pulpit. No vote can do more than to require the minister to join in a mutual council, before which the church must show cause, and by whose judgment and decision they must abide.

3. If the question were to occur on referring to such a council, the

preaching and procedure of the pastor, as a just cause of dismissal, except only new modes of preaching and procedure adopted since December 20, not two months ago; *then no member of the late Trinitarian Church is entitled to vote thereon.* This declaration is required of me, I do not say whether by one or more cases, as is also the further declaration, that, *as pastor and moderator of this church,* so long as I may hold that office, though it be but a six months longer, I am bound to this church, to the churches who re-united us the other day, to all the churches, to the great principles of church order, and, of course, to the Head of the church, *to hold them strictly, in all their proceedings, to the terms of agreement on which they were admitted, and I shall so hold them strictly, subject only to the decision of the churches in council assembled, on any appeal from my decision.* I will not meet the late members of the Trinitarian Church on the question of their past grievances *at all*, either before the church, or in private. *Those grievances are settled.* Those charges have been solemnly and publicly withdrawn, in actions that speak louder than words—in their public agreement to the terms required by the council, and in the simple fact of their claiming to be members on those terms. For the honor of religion—of that religion which is true, and honest, and just, and of good report—the only religion that we can wish to be revived among us; for the honor of this ancient church of Wareham, so lately commended by the assembled churches to God's holy care and keeping; for the honor of my brethren, whose character must not—must not be sent down to posterity under this foul stain,—I pray the God of truth and righteousness that whatever occasion may have been given for these declarations, may be immediately withdrawn.

Having now explained the powers of this church, in regard to the dismissal of the minister, I now call upon them, as a church, if they think they have good cause to require me to answer before the churches to the charge of *such preaching and procedure as forfeits my claim to continue to be their minister*, taking, if they will, the charges of 1840, once indirectly settled by the churches, or, if they choose, the current phrases—that the minister preaches Unitarian sermons and Universalist sermons; that he does not preach repentance and a change of heart, and is opposed to revivals.

Nay, in order that there may be no hindrance in consequence of any difficulty in getting a majority of the church, who are entitled to vote in this matter, according to the above decision of the pastor, I demand of any individual or individuals who make these charges in private—of one or many—*of one only*, if there be but one—who will take this solemn responsibility—I demand of that one, in the name of the great Head of the church, whose minister he has reproached, to unite with me in calling a mutual council on Wednesday, March 13, or whatever other day he may choose, whose duty it shall be to examine and decide whether, in my preaching and procedure, in my doctrine and practice, I have forfeited my right and title to be the pastor of this church and people; and by their decision with reference to this relation I agree to abide, as I must if the council had been called by the church with myself. I reserve only that great principle that, in this matter, *I will be judged by my peers.* As a minister regularly settled by a council of the churches, I will be judged by churches who have pastors *thus*

regularly settled; and that the question shall not be of *expediency* at all, that question being sufficiently provided for from the first in the original contract.

And now, if there cannot be found *one* man among those who have given currency to the charges referred to, who will thus meet me before the churches without any needless delay, then I demand of all such persons, before God, angels, and men, that *they forever after hold their peace*; that they no longer preach for me the Unitarianism and Universalism which I do not preach; that they no longer *unpreach* the repentance, and the change of heart, and the true, pure, and lasting revival which I do preach. It is time, after ten or twelve years, that *groundless* charges should cease—charges which my public appeal, May 4, 1834, answered and denied—charges contradicted by a thousand printed pages, which every one may read, and by my whole life and character—charges contradicted by the unanimous voice of all who knew me in the wide world itself, save only the few or the many in this town of Wareham. Are not ten years long enough for Wareham to persist against my own words and deeds—against the publications for a course of twenty years—and against the unanimous voice of the whole Christian world, wherever I or my works are known? And I ask whether, by bearing all this reproach, so as to deserve to have it said that I have been still “friendly to every man,” I am not entitled to spend the short remainder of my life among you without hearing these absurd charges ever lisped again? Whether you will give me this comfort or not, beware yourselves, if you continue these reproaches, lest you be found doing the work ascribed by our Lord to the prince of all evil himself—that of snatching away the good word which, by his grace, I, as a faithful minister, have endeavored to sow among you.

And now perhaps you will say, in the phrase discussed, as I am told, at the late meetings of church members—“Now, at least, Mr. Nott’s usefulness in Wareham is over.” Say, rather, if he be a false man and a false minister, that his usefulness is over every where! nay, that it is not yet begun any where!! But suppose, on the other hand, that he is a true man and true minister—suppose him this day to be asserting, kindly and firmly, what is true and right—suppose him to be making this last stand among you, intending to stand or fall as a true and Christian man at the post of duty—suppose that, having attempted in his youth to aid the preaching of the gospel to every creature in the wide world, he has attempted, as an honest and true man, to preach the gospel to every creature in Wareham—and suppose that he shall find grace from the Master to be more and more true and faithful in the time to come, and that, in this trial to-day, he is still “friendly to every man”—then say that, in this firm stand to-day, which is intended to test and decide the question of his abode among you, in this honesty and truth, *he is at the highest point of his usefulness*, and that from this moment may go forth—what he has again and again called for—“success to God’s word, more extensive, more reaching to every house and to every heart—more pure, and deep, and lasting, and growing, than either we or our fathers have known.” God grant that it may prove so. Pray for me, and with me, that the word of the Lord may have free course and be glorified among us; that the harvest of fourteen years’ seed-sowing may this year be reaped.

February 23, 1844.

The church being met, after much conference, the pastor read a paper on the question,—What will promote the prosperity of the church?—from which the following is taken :

5. Give your influence in favor of the word preached; that is, so far as the preaching of your pastor is *the word of God*, give your influence in his favor. Call the people to hear it, according to that of Isaiah,—“Come and let us go up to the house of the Lord; for [by his minister] *he* will teach of his ways.” And when you go away, after the hearing of the word, do what you can—not to praise the minister—but to recommend and fix the word which he has spoken.

I will not make long complaint, and yet I might say that *I have been aggrieved*, and that even since December 20. Once at least, if I am rightly informed . . . a certain man, not a church member, whose name has been told me, said to this effect: “I heard Mr. Nott on Sabbath morning with the strictest attention, when he was speaking of the law which a man is to himself, and how the great truths of God’s word are thus made manifest to every man’s conscience in the sight of God; how every man knows the right he refuses to do, and the wrong which he does; and how there is nothing but God’s fear and favor that can satisfy man. It seemed to me,” said the man, “to be all true; but, as soon as I got out of the door, I was met by a church member, who said to me, “Mr. Nott has not said one word of truth this morning.”

I have not heard the name of that church member, and I am glad I have not; but I tell the story as another church member told it to me, to give point to the rule I am now giving for promoting the prosperity of the church,—“Give your influence in favor of the word preached by your minister,” and beware of yourselves taking away any of the good seed he may have sown among the people. Do not charge me, above all, because you do not see the harvest, if you yourselves snatch away the seed I sow. . . .

6. Attend and aid the meetings which occur. . . . The preparatory lecture should be considered as requiring the attendance of all church members, and as especially fitted to their improvement. The monthly concert for prayer for the whole world is greatly fitted to promote the growth of religion among any church and people. While we pray for the whole world, what a lesson and motive turns back upon ourselves and the whole population around us! It has been my custom to apply myself, in the fall, winter, and spring, to meetings in different parts of the town, hoping in that way to reach with Christian instruction and urgency the whole population—what an advantage I must gain, in proportion to the attendance and co-operation of church members.

Here, too, I may say—not to go back farther—I am aggrieved; and that, too, since the 20th December last. After our preparation as the council expressed, for “Christian and harmonious union,” with the utmost good feeling towards you all, and with an earnest desire that our re-union might be the means of a great and glorious revival, I appointed a meeting for new-year’s day evening, the monthly concert, indeed, but a meeting in the circumstances of special advantage to ourselves and the people—and what a blank I saw! The expected church

members were not there. My attempts since have been equally unsuccessful—have not found that “Christian and harmonious union” in their aid that I expected. I will only say, Try, brethren—and perhaps you will get good and do good.

7. Beware lest you hinder the prosperity of the church by thinking or saying hastily, and without reason, that it is going fast to decay—that it is likely even to run out. I give this rule because I have found such expressions somewhat current, until, in some cases, they have come to be believed. If such things be said till they are thought to be true, it will be no wonder if the prosperity of the church be injured.

In giving this rule, I think it quite worth our while to look at the question fairly and carefully, whether this church is going to decay—whether, on a careful and candid review and examination, we shall find any signs that it is likely to run out and come to nought. What, then, think you, are the grounds for such expressions and fears? Are there any facts which should give occasion to such expressions and fears? No wonder if there were. . . . There have been great hindrances in the way of its increase. No wonder even if the increase should not have made up the decrease: no wonder if there were much decrease from the prosperous days under your former pastor. . . . But let us look at the facts. . . . In August, 1829, at my settlement, there were *thirty-seven* resident male members. . . . There are this day *thirty-six* resident male members. As to male members, you are where you were fourteen years ago, within one. In August, 1829, there were *ninety-two* resident female members. There are this day *ninety-three* resident female members—one more than in 1829, or both males and females equal. The church is not advancing as we could wish; but surely it is not decaying—it is not running out.

And this, I trust, is not the best view we may take of our case. I have heard that it has been said among you that there are as many as thirty persons out of the church who are really fair candidates for admission, and very likely would request to be admitted, if it were not for difficulties within the church itself. I am willing to extend the number, and to say that I can easily reckon fifty persons whose general character, whose expressions of repentance and faith would make them fair candidates for sealing ordinances, and who lack only the expression of their solemn sense of the duty and the privilege of coming to those ordinances. With that additional evidence in their favor, I should gladly present them to you as candidates, and as witnesses, too, that the word of God has not been published in vain, and that the church visible, as well as the true church, has increased among you in fourteen years.

Again, consider that all depends not on our sight and knowledge. There was a new man of prayer in Damascus—the very seed of early and boundless prosperity to the church—and yet Ananias and the disciples for a time knew it not. There were seven thousand true men in Israel, while Elijah thought that *he* alone was left a witness for the true God. Seed may lie long buried in dust, and yet not deceive the hopes of the husbandman; nay, the seed that he left to die and spring up, while he went his way; and seeds sown by other husbandmen may have sprung up and grown, while he slept, or was elsewhere, and be-

fore he knew it, there may be the blade, and the ear, and the full corn in the ear; and, when he lifts up his eyes, he may see suddenly before him the fields white already to the harvest. Amongst ourselves, the harvest of fourteen years—of fifty years—of a hundred—may this year be reaped. Who are we, that we should raise the hue and cry that the church is decaying, and is likely to run out, when, for aught we know, if we will be prayerful and faithful, she may fourfold her graces and her numbers this very year? Far better to pray and be faithful, than to complain and despond!

The aim at personal purity—for a clean heart and right spirit, and at proving and manifesting that purity by good works—to give heed to the true doctrine on the part of pastor and flock—the church striving to profit by the ministry set over them, praying for their minister, and adding their influence to his attempts—attendance upon the meetings which aim especially at the improvement of the church, and the increase of its numbers—and a careful avoiding of the cry, “The church is going to decay”—perhaps the observance of these rules may lead on “success more extensive, more reaching to every house and every heart, more pure, and deep, and lasting, and growing, than either we or our fathers have known.”

The pastor read, also, before the church, by request, the public communication of last Sabbath.

Voted, That the church request the parish to give the pastor a six months' notice. Ayes, 15; nays, 10.

On the name of Mr. David Bodfish being suggested, the moderator read as follows:

The pastor has to inform the church that Mr. David Bodfish, one of the late members of the Trinitarian Church, having failed to walk with us, as pastor and church, in the word and ordinances, as required by the covenant into which he was re-admitted by vote of council, December 20; and having further declared to the pastor that he had never intended, and does not now intend, to attend upon his ministry as pastor of this church; the pastor hereby announces to this church that, until Mr. Bodfish withdraws this declaration, and complies with his covenant obligations, by attendance on the word and ordinances, according to his ability, he cannot be considered as a member of this church, or entitled to sit and act with it.

Mr. Bodfish appealed to the church, whereupon the pastor refused to allow the appeal, and referred the question to a mutual council between himself and Mr. Bodfish.

March 1, 1844.

The following protest was laid before the meeting, . . . signed by the pastor and sixteen brethren, the minority and the absent, February 23:

Protest, Representation, and Demand, March 1.

The undersigned, the pastor of this church, and the minority in the vote of Friday, February 23, 1844, being aggrieved by the vote of nine

members, late of the Trinitarian Church, do hereby protest against that vote, for reasons manifest in the following representation and demand, namely:

1. The undersigned represent that the members of the late Trinitarian Church, having been long aggrieved with the preaching and procedure of the pastor, as appears abundantly from our records, did request a dismission, to be formed into a church by themselves; and their request being referred to a council, February 26, 1840, that they laid their grievances before the council, in documents No. 1 and 2, and by word of mouth; and that the council decided that their grievances were not sustained, and afforded no ground for their dismission; but directed that, for the sake of peace, they should be dismissed, if they persisted in their request; and that they were accordingly dismissed.

2. That, on their application to be received again, the application was referred to a mutual council, to examine the whole matter according to their judgment; and, if they see good cause, then to dissolve the Trinitarian Church, and incorporate its members with the original body; that said mutual council was called, and being assembled on December 20, did declare that they found "in the members of the Trinitarian Church, and in the pastor and members of the Congregational Church, an apparent preparation for harmonious and Christian union;" did incorporate the members of the Trinitarian Church with the Congregational Church, on the agreement "that all past grievances are considered as settled," and did earnestly enjoin upon the united church to love one another, to seek the means that make for peace, and did recommend them to pray "that the blessing of divine grace might rest on them and their pastor."

3. That the examination of the whole matter, while in progress, was arrested by the above agreement, first suggested in one of two documents laid before the council by the pastor, in explanation of his views, and recalled by them to the attention of the council, as a brief basis of union, on which there could be no misunderstanding, and such as to "render impossible all church action on old grievances."

4. That, on Sabbath, January 28, in five weeks and four days from the result of council, the pastor did, by request of S. Bourne and others, appoint a meeting of church members, at which, on inquiry, he was told that his presence was not desired; that, on the 2d February, fifteen church members met, among whom were four of the undersigned; and that we know, or are well informed, that the question was in relation to the pastor, with reference to past grievances, or grievances in his uniform course of preaching and procedure; and that this meeting was adjourned to February 9, when one only of the undersigned was present, but we are all well informed that the same subject was before the meeting.

5. That, on Sabbath, February 11, by unanimous vote of that meeting, passed after the one of our own number had left, Mr. Nott was requested to call a church meeting for the Friday following, "to act on important business;" that the pastor, not receiving, at his request, any information as to the specific business to be acted on, did not comply with the request; but that, receiving, on the Monday following, from the applicants the substituted clause, he did appoint, on the Sabbath

following, a church meeting for February 23, "to consider what will promote the prosperity of the church;" and that, after having publicly repeated an extract from his sermon on Fast-day, October 26, 1843, he extended the notice, by request of S. Bourne, "to take any measures with reference to the communication then publicly made."

6. That the church, being met on Friday, February 23, as we understood, the past grievances with the preaching and procedure of the pastor were renewed before the meeting, and the statement made that the settlement of past grievances before the council December 20, had no relation at all to the grievances with the pastor, and that all were at liberty to act upon them.

7. That the old grievances in detail, and the claim that the agreement of December 20 had no reference to the pastor being before the meeting, nine members, late of the Trinitarian Church, did vote, in just two months and two days from the decision of council, "to request the parish to give the pastor a six months' notice;" and that thereby that vote was carried, by a majority of one-third.

8. That, reckoning only the votes of the members previous to the re-union, the majority would have been more than one-third against that vote; and that, had not two, as we suppose, agreeing with us, previously left the meeting the majority in the negative would have been twelve to six; while we have every reason to believe, if the whole church had been together, the majority would have been seventeen to six; and while we think more than seven eighths of the female members are aggrieved by that vote.

9. That this vote, in these circumstances, is a grievance requiring the intervention of the churches, who shall judge between us, whether the vote of these nine members be or be not in utter contradiction to the agreement before the council, December 20, to the harmonious and Christian union for which they found us apparently prepared, as two churches and pastor, and to the recorded prayer, that the blessings of divine grace might rest upon "the united church and their pastor," and of course to the "things that are true, and honest, and just, and lovely, and pure, and of good report," without which there can be no true prosperity to the church—a contradiction which, if it exist, is so much the more grievous, on the very threshold of our solemn and sacred agreement before the churches, in the very morning of our Christian and harmonious union; and even compels the question whether their whole design and intention, in seeking re-union, was not to interrupt the peace for the sake of which the council of 1840 permitted them to withdraw, and to attempt and accomplish the removal of the pastor;—and, lastly,—

10. That being aggrieved by the whole course of proceedings, and by the vote of February 23, having parted with these brethren, and received them again, in obedience to the decisions of the churches, we have no resort but to return to the churches with our grievance, that they may judge between us.

We therefore, the pastor of this church and the minority in the vote of February 23, 1844, do demand of these nine brethren, or any of them, to meet us before a mutual council, whose duty it shall be,—

1. To examine the result of council, December 20, 1843, in connection with the result of council, February 20, 1840, and the docu-

ments laid before the council by the pastor, December 20, and the whole record of the Congregational Church, and our protest and demand, together with whatever testimony they may think needful, or the parties bring forward, and then to decide and declare whether the grievances, with the preaching and procedure of the pastor, are the grievances regarded in the agreement before the council, December 20, 1843; and, if not, then to decide and declare for the future guidance of this church, what are the past grievances which are to be considered as settled by that agreement.

2. To require these members, each and severally, to show cause, if any they have, why their vote of February 23, 1844, is not to be considered in violation of their agreement before the council of December 20, and in forfeiture of their claim to the rights and privileges of this church, and to judge thereon for the guidance of this church.

The protest having been read, Mr. S. Bourne stated that, on consulting the parish officers with reference to the vote of February 23, it was found necessary to pass another vote, and moved the following, which was carried,—ayes, 16; nays, 10.

Voted, That this church concur with the vote of the First Parish in Wareham passed March 7, 1842; and also with the notice which the pastor, Rev. Samuel Nott, Jr., presented the parish committee, April 20, 1843; and that a committee of three persons be appointed to unite with the several parties in calling a council for the dismissal of said pastor, and that they be authorized to call an *ex parte* council, if a mutual council be denied.

Answer.

Wareham, March 2, 1844.

Dear Brethren,—Having duly considered the vote passed in church meeting yesterday, I find nothing therein requiring or allowing me to unite in a council for my dismission; and I hereby refuse to unite in such council as proposed in that vote. Praying that the “several parties” may be directed aright,

I am your affectionate pastor, &c.

March 6, 1844.

After a considerable time spent in conference, the “nine brethren” presented to the minority the following proposal, namely:

That the council called December 20, 1843, be recalled, to explain their own acts, and also to hear and examine such matters as either the pastor or church, or one or more of the church members may wish to lay before them, and give such advice as they may deem wholesome for our future guidance.

Answer, March 9.

The pastor and the minority in the vote of February 23 decline the proposal of the nine brethren, made them March 6, and adhere strictly to their original representation and demand, March 1,

1. Because the only purposes for which a council is proposed or desired, on our part, are those set forth explicitly and exactly, according to our views of the necessity of the case. In our view, those purposes were required by the vote of February 23: they were doubly required by the vote of March 1; and, lastly, the full and decided expressions at the meeting, March 6, have threefolded the necessity of the original demand.

2. Because a mutual council, from the nature of the case, leaves the parties uniting, the uncontrolled and free choice of their several portions. Under this freedom, we have named our choice, and it contains three out of the seven churches present at the council of December 20. It depends upon the nine brethren themselves whether their free and uncontrolled choice shall embrace all the remaining members of the former council or not.

An early, direct, and final answer to our demand we earnestly request.

In behalf of the church,

SAMUEL NOTT, JR.

Warrant for Parish Meeting, March 9, 1844.

To William Bates, Esq., Justice of the Peace for the County of Plymouth: Sir,—We, the subscribers, legal voters of the First Parish in Wareham, hereby request you to issue a warrant to call a meeting of the qualified voters of said parish, as soon as you can legally do so, for the following purposes, to wit:

1st. To choose such officers and to transact such business as parishes are by law authorized to choose and transact.

2d. To agree upon the mode of notifying all future meetings of said parish.

3d. To make a by-law prescribing the manner in which persons may become members of said parish.

H. G. O. ELLIS,
TIMOTHY SAVERY,
P. B. HOWARD,
J. F. MURDOCK,
BRADFORD LINCOLN,
THOMAS YOUNG,

MOSES S. F. TOBEY,
LEWIS KINNEY,
J. R. SPROAT,
STEPHEN GIBBS,
SILAS T. SOULE,
EBENEZER CROCKER.

Wareham, February 29, 1844.

[L. S.] *Plymouth, ss.*

To Moses S. F. Tobey, one of the legal voters making the above application.

In the name of the Commonwealth of Massachusetts, you are required to notify and warn the legal voters of the First Congregational Parish in Wareham, to meet at the First Christian Baptist meeting-house in said town, on Saturday, the 9th day of March, instant, at one o'clock in the afternoon, then and there to act on the articles men-

tioned in the annexed application; and you are hereby directed to serve this warrant by posting up an attested copy thereof, with a copy of the above application annexed thereto, on one of the outer doors of said Christian Baptist meeting-house (it being the place temporarily occupied by said First Congregational Parish in said Wareham for the purpose of religious worship) seven days at least before the time appointed for said meeting.

Hereof fail not, and make return of this warrant, with your doings thereon, to the said meeting, to myself, or any other justice of the peace of and for said county of Plymouth who may be present at the time and place herein appointed for the same.

Given under my hand and seal, this first day of March, in the year one thousand eight hundred and forty-four.

WILLIAM BATES, *Justice of the Peace.*

Wareham, March 16, 1844.

Rev. Samuel Nott, Jr., and others of the minority of February 23d: Brethren,—After giving your last communication (without date) a prayerful consideration, we cannot conceive how there can be any better tribunal to explain the intentions of the council of December 20, 1843, than they themselves; yet, as you refuse that, and seem not disposed to make any concession, we will further state that, since our reunion with the church, our motives have been none other than to promote the best interest of our blessed Redeemer's kingdom; and, as it would seem, by voting upon the question you put to us, moved in the church without our previous knowledge or agency, some of our brethren feel aggrieved, we assure them we have intended no such thing, but only to answer conscientiously the question put to us; and, as evidence of it, we request you to call a church meeting next Friday, to reconsider the vote of February 23, 1844.

We cannot say that, since December 20, 1843, we have been satisfied with your proceedings and preaching, as having the best tendency to Christianize the world, but were still looking for light.

The vote had not been contemplated by us, and we believe would not have been moved by our friend, had not your friend named it and you penned it. But as many of our brethren whom we highly esteem are laboring under a wrong impression upon the subject, we think their minds would be relieved provided we could have the privilege of meeting them in church conference.

We wish further to state that we are much aggrieved because our brother Bodfish is not permitted to vote in the church meetings, which, as he is in full communion, he has a right to do.

We feel also aggrieved that we are not ourselves treated, at the meetings of the church, in all respects by the moderator as the law of love requires. While these grievances continue, our Christian covenant will be much impaired, and we must hope they will be redressed.

Your brethren, &c.,

JEREMIAH BUMPAS,

In behalf of the nine brethren.

March 17, 1844.

Dear Brethren,—We reply to yours, yesterday received, as follows, in agreement with our reply to yours of March 6,—

1. That the withdrawal of your vote of February 23 cannot remove the grievance complained of, since that grievance was renewed by your vote of March 1, after a week's deliberation, and under additional aggravations, against which, at a proper time, we design to record our objections.

2. That even the withdrawal of the second and deliberate vote of March 1, cannot remove the grievance without the withdrawal of the claim which you have either expressed or allowed, as well as acted on, namely, that the agreement before council, December 20, 1843, did not regard your past grievances with the preaching and procedure of the pastor. Our grievances are at once, with your acts and your claim, both, in our judgment, in violation of your solemn agreement; and, earnestly as we desire union, it is only on a definite understanding and keeping of the agreement on which we were united. If the questions submitted to council can be settled between ourselves, we shall greatly rejoice; but the time has come when they must be settled explicitly and exactly. As our grievance is with yourselves individually, all that is required for our satisfaction with you all, or with any number of you, is your individual acknowledgment in substance as follows:

We, the undersigned, hereby acknowledge that our votes of February 23, and March 1, were not in accordance with the agreement before council, December 20, 1843, on which we were re-admitted to the church, and that the claim that that agreement did not regard our past grievances with the preaching and procedure of the pastor, is groundless.

Confining ourselves to the simple questions before us, we make no remarks upon the various matters contained in your letter.

In behalf of all present,

SAMUEL NOTT, JR.

Wareham, March 25, 1844.

Dear Brethren,—We hereby inform you that, unless you agree to our demand for a mutual council by April 2, we shall understand that you refuse to do so, and shall proceed to call an ex parte council, to meet on Wednesday, April 17, and act on the matters in question. . . . As our demand was made only two days before our last communion season, there was no time to bring the question to trial previous to that solemnity. It is manifestly improper that we should proceed to another Lord's supper with them unsettled. We have fixed upon the latest day which we think possible, and yet secure the attendance of the churches we may call. Praying that you and we may be directed aright,

We remain, &c.,

SAMUEL NOTT, JR., *in behalf of all.*

Wareham, April 3, 1844.

To Dea. J. B. and others: We hereby inform you that we have called an ex parte council, on our demand of March 1, consisting of the churches named by us as our part of a mutual council, in our former communications to you, to meet in the Congregational meeting-house on Wednesday, April 17, at 10, A. M. We give you again the offer of a mutual council, provided you shall invite an equal number, to meet with those we have called, and unite with them on our original demand. Hoping you will yet unite with us, and praying for the divine direction to us,

Your affectionate pastor,

SAMUEL NOTT, JR.

N. B. The form of letter missive is contained in the protest, adding the offer named above.

Copy of the Letter Missive purporting to proceed upon the vote of March 1, and the Pastor's Refusal of a Mutual Council thereon.

The Congregational Church in Wareham to the ———, sendeth greeting.

Brethren in the Lord,—The contract upon which our pastor, Rev. Mr. Nott, was settled among us in the ministry having been dissolved, and the church also consenting that it is expedient that his pastoral relation should cease, and having requested him to join with them in convoking a mutual council for his dismission, and he having declined complying with that request, the church have concluded to convoke a council of neighbor churches, to advise on the subject; and they trust that you have that sympathy for us, in our present distracted condition, which will constrain you, as a neighbor church, to do what you can for our relief.

We therefore request you, by your reverend pastor and delegate, to assemble with those of the other churches to which we have sent, at our house of public worship in Wareham, on Monday the 15th day of April present, at one o'clock, P. M., and, in ecclesiastical council assembled, to do and advise on the subject such things as shall seem right and fitting on the occasion.

Yours in the Lord,

————, } Church
 ————, } Committee.

Wareham, April 4, 1844.

A copy of this letter missive, in blank, without any information of the churches called, was sent to the pastor on Monday, April 8.

Protest against the Vote of March 1, 1844.

Wareham, April 14, 1844.

The undersigned, the pastor of the church and those voting in the minority on the vote of March 1, 1844, or absent from the meeting, hereby protest against that vote, omitting such reasons as apply to the vote of February 23:

1. Because it assumes that the contract between the pastor and the parish has been dissolved by means of the vote and notice concurred in, without giving any reason, notwithstanding the vote of the parish resuming, and the pastor's acceptance thereon, July 31, 1843, though the renewed contract has been acted on by both pastor and parish precisely as the similar resuming vote in 1837, and though the vote in church meeting, February 23, "to request the parish to give the pastor a six month's notice," did, just one week before, acknowledge the original contract, in that respect, to be in full force. . . .

2. Because such a vote, in such circumstances, contrary to the mutual understanding on which pastor and parish have been proceeding since July 31, without any communication thereon, precisely as they have since the like vote of 1837, and therefore binding in honor and conscience, according to its face, must be considered as passed on the supposition of some flaw or informality, which may render it legally invalid, and by which the renewed contract on which pastor and parish are proceeding may be set aside; and because this supposition, of taking advantage of a legal defect, if such advantage could be taken, is unrighteous and disgraceful, in contrariety, above all, to the principles of a church of Jesus Christ, and a foul blot upon the records of the church of Wareham, which we look upon with shame and with abhorrence.

[Signed by pastor and sixteen brethren.]

The Pastor's Protest before Council, April 15, 1844.

[T. G. Coffin and Zechariah Eddy, Esqs., appeared as counsel for the plaintiffs.]

Mr. Moderator,—I hereby enter my solemn and deliberate protest against the sitting and action of this ecclesiastical council, convened by letters missive, purporting to be from the Congregational Church in Wareham, of which I am pastor,—

1. Because no such council as is called by the letter missive has been authorized by this church, and no such mutual council has been offered and refused, preparatory to an ex parte council. The only action of this church touching the case is the vote of March 1, itself under question, as will be hereafter stated. Admitting that vote, for the present, to stand unquestioned; it gives no authority for the calling of this council. . . . The vote of March 1 is in the following words, namely:

"Voted, That this church concur with the vote of the First Parish in Wareham, passed March 7, 1842, and also with the notice which the pastor, Rev. Samuel Nott, Jr., presented the parish committee, dated April 20, 1843, and that a committee of three persons be appointed to unite with the several parties in calling a council for the dismissal of said pastor, and that they be authorized to call an ex parte council, if a mutual council be denied."

This is the only vote touching the case. Indeed, the church has taken no action on any subject since that vote. The simple and single purpose of the council provided for by the vote of March 1 is "the dismissal of the pastor." The offer to the pastor is simply and singly to unite in a council for his dismissal; and his refusal is simply and

singly, to unite in a council for his dismissal. The only mutual council that could be called upon that vote—the only ex parte council that could be called upon that vote, on the pastor's refusal of a mutual council—is, simply and singly for the dismissal of the pastor, and nothing else, less or more. Examine your letters missive, and see whether THEY call you for the simple and single purpose—the dismissal of the pastor—the only purpose authorized by the vote of March 1; whether as an ex parte council, you are called for the only purpose in regard to which a mutual council has been offered and refused, namely, “the dismissal of the pastor.” On the other hand, you are called “to advise on the subject;” “to do and advise on the subject such things as shall be right and fitting on the occasion;” instead of doing the thing itself—“the dismissal of the pastor.” . . . You are called, virtually, as an ex parte council, “to do and advise what is right and fitting,” in regard to which no mutual council has been either offered or refused.

It needs no deep searching of your letter missive to see that it is inconsistent with itself—that the last half of it does not agree with the first half. The first half will sound, indeed, as strange news to Wareham ears, that the contract is dissolved, and that a mutual council has been offered and refused thereon. The last half must show itself as the plainest absurdity to these assembled churches. Why, if the first half be an expose of the facts, the last half should give place to the simple request for the council to dismiss this unreasonable pastor, who, in the face of his own solemn contract, refuses the common courtesy of a man in the formal dissolution of a partnership, legally dissolved already! Instead of this, a council is called “to advise and do what is right and fitting,” instead of applying to this unreasonable pastor the simple justice which is called for by the opening clauses of the letter. . . . Suppose the first half correct, and it forbids the last half. Suppose the first half contains the grounds on which a council was to be called, and the council on the last half is thereby forbidden. Suppose the last half to be in place, and the first half cannot be true.

This council has not been authorized, is not called, and cannot sit and act by any vote or action of the Congregational Church of Wareham. As an ex parte council, it cannot sit and act, because no mutual council has been offered and refused for the purpose for which it has been called. . . . And I protest against the sitting and action of a council thus called.

2. If this council had been called as an ex parte council, for “the dismissal of the pastor,” as authorized by the vote of March 1, and if that were an unquestioned vote, even then it would not be entitled to sit and act as an ex parte council thereon, because the demand on the pastor to unite in such a council, in the terms of that vote, was *an unreasonable demand*. The pastor's refusal was in the following terms, namely:

“Having duly considered the vote passed in church meeting yesterday, I find nothing therein requiring or allowing me to unite in such a council as proposed in that vote.”

If there was nothing in that vote which required or allowed the pastor to unite in a mutual council, then his refusal is no preparation for the sitting and action of an ex parte council; and this council, though

called by that vote, would not be entitled to sit and act as an ex parte council.

And why did I not find myself required or allowed to unite in a council for my dismission? For the simple reason that, having been settled on the condition of a six months' notice, the vote of March 1 did not give me any due information that such notice had been given, nor propose any inquiry whether such notice had been duly given or not. It did, indeed, concur with the conditional six months' notice, given March 11, 1842, two years previous, and with my refusal to accept the condition of that notice, given April 20, 1843, and terminating October 20, if the parish had not resumed their obligation, and I had not signified my acceptance of its condition, as appears in the following answer made by me to the parish committee:

"To Stephen Gibbs, Ebenezer Crocker, and Nathaniel Hamblin, Committee: I hereby accept the terms proposed in the following vote, voted at parish meeting July 31, 1843,—'That the parish resume their original contract with the Rev. Samuel Nott, Jr., from January 1, 1843, except that we pay him seven hundred dollars, instead of eight hundred dollars, per year, provided he will accept the same.'

"With earnest desires and prayers that our agreement in this matter may be followed by blessings above all price,

"I remain your affectionate pastor,

"SAMUEL NOTT, JR."

With the exception of the change in the salary, precisely the same process was gone through in the year 1837, namely, the same six months' notice, referring me to the subscribers "for compensation for parochial services"—the same refusal, after a time, to accept of that condition, and the same resumption of the original contract on the part of the parish, and signified to me in the same way, by a committee of the parish. Do you think, then, after receiving such a vote of resumption, similar to one on which we had previously acted for years, as my last communication from the parish; and after such an answer on my part, and while I was still in the exercise of an acknowledged office thereon,—do you think I was reasonably required, without reason stated or question submitted, to unite in a council for my dismission, precisely as if no such vote had been communicated to me? Was I required, think you, to yield, without question, my claim to salary from October 20, 1843, to the end of a six months' notice, to the amount of six or seven hundred dollars? nay, by allowing that demand to pass unquestioned, to run the hazard of some new concurrence on the part of the church, perhaps with the previous notice of 1837, and my refusal thereon, and the equally righteous claim upon some four thousand dollars received for subsequent services?

Nay, more, as a man of conscience and of honor, as a minister of Christ, bound to be blameless and without rebuke, was I *allowed* to agree to my dismission, instantan, without delay or without question, when I had signified my acceptance of the parish vote, and was therefore solemnly bound to give a six months' notice of any intention, on my part, to close the relation? If the church forgot the vote and acceptance of July 31, was I required or allowed to forget them? If the church presumed that the vote was invalid, was I bound both to learn

and acknowledge that presumption without a question before the proper tribunal; and all this while all parties had been proceeding for six months, on an acknowledged relation, and when these very voters themselves did, just one week before, vote "to request the parish to give a six months' notice,"—a vote which still remains unrecalled, for the consideration of the parish. Surely the call for a mutual council, for the dismissal of the pastor, made by the vote of March 1, was an unreasonable demand, and the pastor's refusal of such a mutual council was a reasonable refusal, and as surely the way is not prepared for this council to sit and act as an *ex parte* council thereon, even though they had been duly called, according to the vote of March 1; and, should you assume so to sit and act, all your doings and decisions, will be null and void, contrary to the rules and customs of the Congregational churches and the laws and legal decisions of this commonwealth, and which I shall be bound, as a Christian man and Christian minister, and, as a good and faithful citizen, to disregard and disobey; and I am in duty bound to this church and people, to the churches who installed me, and to all the churches, and to these times, in which the game of "pitch and toss" with the holy ministry is so urgently carried on, to enter my deliberate and solemn protest against the sitting and action of this council, even though they had been duly called, according to the vote of March 1.

I do, then, in my place, as pastor of this church, officially deny that this church has called you by the letter missive, and for the purposes declared in it. I deny, further, that this church has offered me a mutual council, and that I have refused one, for the purposes expressed in that letter. I deny, further, that the vote from which the letter missive ostensibly proceeds, gives any reasonable offer of a mutual council, and that my reasonable refusal of an unreasonable offer gives any just ground for an *ex parte* council. I therefore, the pastor of this church and parish, do deliberately and solemnly protest against the sitting and action of this ecclesiastical council; and, as you regard your own place and station in the church of Jesus Christ, the welfare of this church and parish, and of all the churches, and the great principles of church order in this commonwealth, I do rightfully and solemnly require you to refuse all action as an ecclesiastical council, except to declare yourselves unduly called, and to dissolve your assembly.

Having thus laid an absolute bar to the sitting and action of this council, I have yet farther to enforce the necessity and importance of your right decision, by matters of high importance, which themselves alone would be found another and sufficient bar to your proceeding to sit and act as an ecclesiastical council. Consider, then, the time at which this concurring vote was passed, the persons by whose vote it was carried, and the nature of the vote itself.

On the very face of the vote, you read that two full years, lacking one week, had passed after the vote of the parish, March 7, 1842; that almost one year had passed after the pastor's notice of April 20, 1843, thereon, and more than four months after that notice had run out, and seven months after the resumed contract had taken practical effect. Before you allow yourselves to sit and act, even though you had been called according to the vote of March 1, you would have one important point to settle, namely, how far back the principles of inter-

ference with past settlements may be carried. You would be required to determine whether these are the longest strides of concurrence that your wisdom and conscience can allow; lest, haply, you be called back on the after-thought which your precedent has called forth, in a vote of concurrence with the vote and notice of 1837, and you should find yourselves required to dismiss the minister on that more distant claim, under the debt of some five thousand dollars for the bread he has eaten in the service of his people!

But, again, who are these voters, who come along thus lingeringly in their vote of concurrence? and why loiter they so long? Why did they not concur in the time of it? Why, for the best of all reasons, that only six of them were then members of the church; and because the ten by whom the vote was carried were not members at all until they were admitted by council the 20th of December! Moreover, nine of these voters were also, when they voted, under right and lawful question and challenge whether they were entitled to the rights and privileges of this church—under the official appeal of the pastor—under the appeal of their brethren to the proper tribunal, to decide a case, in comparison of which I have said in church meeting, the question of the dismissal of the minister is not the matter of a straw. Before you allow yourselves to sit and act, you will have to decide how far you will sanction these *ex post facto* doers! How far back new lords may go in making new laws, and how far you will allow members, under due challenge and question, their vote, while such due challenge and question are pending before the proper tribunal.

But I pass to the nature of the vote itself. What, then, is this vote of March 1? What is this act, purporting to be done by the church of Christ in Wareham—which the church in Wareham asks the churches of the Old Colony to sanction? Say, is it such a vote that these churches of Jesus Christ can allow themselves to sit and act upon it—the churches of the Old Colony above all—that mother and pattern of the Christianity that has filled the land? Let us see. On the very face of it, it is an unrighteous vote; and a Christian council cannot sit explicitly and with forethought to do an unrighteous act. The remarkable vote of March 1, calls you to do an unrighteous act; otherwise it has no meaning whatever—unless it requires the dismissal of the minister on the ground that the resuming vote of July 31, 1843, has in it some legal defect which leaves the pastor's notice to its necessary issue on the 20th October last. And now suppose—what I by no means allow—that it is so. Suppose some legal defect, some flaw or informality in the vote of the parish, July 31, 1843, whereby the contract may be proved legally dissolved on the 20th October last, though it came to the pastor with all the signs of soundness and good faith, as the similar vote of 1837; though all parties have been acting upon it till now, the parish and church receiving, and the pastor rendering parochial services as ever from his settlement, and though the voters of March 1, voted just one week previously, their request for a six months' notice.

Suppose the discovery made between February 23 and March 1—or no matter when—that there is a legal flaw or informality which dissolves the connection on the 20th of October, almost a year before it can be dissolved otherwise; suppose the letter missive to go forth bear-

ing on its face the call to dismiss on this legal defect, contrary to the understanding which has been acted on by all parties, contrary to the claims in equity on that mutual understanding. Suppose this hard measure, which literal law measures out sometimes by compulsion, at the bidding of unrighteousness and fraud; suppose this hard measure is called for at the hands of a Christian council;—tell me, can a Christian council volunteer itself for this vile work, which courts of law do only by necessity, and which courts of equity, whenever they can, cancel and annul? A council of Christian churches, acting with the law of the land, is, from its very nature, a court of equity. It cannot sit to do a legalized wrong. It cannot sit to do away obligations which belong to the mutual understanding of parties, by legal chicanery, unless it will sink its high character to the lowest depths of pettifogging injustice; and, if the thing were possible, Wareham has too much honor and principle to take the dishonor and the wrong at your gift. No, sir, if your letter missive bear upon its face the demand to do legalized injustice, like the vote of March 1, you should make it a letter dismissive from the unworthy, the unchristian service. No wonder that your actual letters missive faltered as they spoke—that they could not utter the words they had taken on their tongue—that they dared not call you to dismiss, but faltered the inconsistent request that you would advise and do what was fitting and right. I say again, sir, the question of the minister's staying or going is not the matter of a straw! but the question whether a court of Christ shall sit to take unrighteous advantage, is one which cannot be measured by all things of earth and time!

The counterpart of this vile business would be that the pastor should turn round upon the church and parish, and say, You know, that, owing to informalities, all the parish proceedings from 1837 to March, 1844, are illegal, and of course, according to the letter of the law, are null and void, and my original contract is still binding, and my claim good for eight hundred dollars a year, instead of seven, from September 7, 1842, to the end of a six months' notice, to be hereafter given! All this is plain on your parish records, and was acknowledged by your act in March meeting, when you began every thing anēw, with all legal formalities. God forbid that I should thus claim advantage from a legal flaw, in violation of the mutual understanding of all parties. God forbid that this council should give its sanction to a like attempt by assuming to sit for such a purpose as a court of Jesus Christ.

Such are the important matters with which another and sufficient bar is made to your sitting and acting as an ecclesiastical council, beside the double bar by which I have before required you to refuse to sit, and to dissolve your assembly.

And if, under a high sense of your responsibility to the great Head of the church, to all the churches, and to all men, you shall refuse to sit and act,—if you shall do this, and nothing but this, then shall you do the utmost possible for the good of this community. Do not think that our Wareham affairs cannot be settled without some action thereon, by an unauthorized and illegal council. Whenever this parish cannot or will not sustain the pastor, they can and they will give him, "manfully and decidedly, the absolute and final six months' notice," which, in that case, I have claimed, and do claim, at their hands, and

which I have promised again and again to receive without complaint. And we know well enough how to do business in Wareham, when thus the contract shall indeed be dissolved, to call you to a mutual council, not "to advise and do what is fitting," but in very deed *to dismiss the minister*, without faltering as we speak. Let us alone in this matter until we make thus an authorized and legal call, and we will make your next coming, it may be some six or seven months hence, as easy as your hearts can desire, only asking you then to make such inquiries as to know with what character you shall send forth a discarded minister upon the churches.

But if this parish will not do this, if they will not accomplish the dismissal of their minister, according to a contract—surely easy enough—then there is another way in which your just refusal to act may prove an inestimable blessing to Wareham.

"God moves in a mysterious way.
His wonders to perform."

Your silent rebuke may do more than all possible doing what you ought not and cannot do as an ecclesiastical council, in settling what the letter missive calls our "distracted state." "Where there is no wood the fire goeth out;" and where there are no distracters, the distraction ceaseth. If the sixteen persons who voted on March 1, to call a council for the dismissal of the pastor; nay, if the one half of these voters will, from this day, lay aside all efforts to distract, and will unite with us in that "Christian and harmonious union," for which the council of December 20 found us prepared,—then I call all Wareham to witness my assertion, that there would not be found less distraction, and more mutual confidence, more hope of free course to the word of God, in any church and parish in the whole commonwealth of Massachusetts.

No doubt the determined efforts of a few to accomplish the dismissal of a minister of fair character and inoffensive manners may have produced, as may be expected every where, from like efforts, a degree of distraction. But the true way to settle it, is not by unauthorized interference—is not by unauthorized and unlawful dismissal—but by calm and peaceful firmness in what is true and right; by calm and peaceful refusal to do what is wrong. Your Christian refusal to-day may be the very hinge on which the welfare of these brethren and of this church is to turn. It may be, they themselves will welcome it as a gracious providence, aiding them in that Christian and harmonious union, whose morning we thought broke upon us four months ago. And if they do, they will be welcomed and cheered in their efforts to be good, and do good, and in the light by which they shall glorify God—by brethren and sisters ever their friends, and by the great mass of this people, and by a pastor, who verily believes not only that he holds the confidence and affection of the great mass of this community, but that he has conducted himself ever so kindly and justly to themselves, and so much like an honest and Christian man, as to have secured the respect of these sixteen themselves, and to give him still the just and reasonable hope that they, too, may turn to him with confidence and affection, and welcome him as their pastor in the

Lord with blessings on their own head, as well as upon this church and people.

Do not think the hope I now express impossible. Do not let any fear that your right decision, your just rebuke, will fail to accomplish it, prove a moment's temptation to withhold it. I believe, as I said in regard to these matters to my church six months ago,—I believe in the power of the Christianity I preach, in turning to repentance those within, as well as those without the church. There are higher, holier, more Christian methods of settling the distractions of churches, than by calling wrong right or right wrong, or attempting to make them coalesce; and I pray that your clear declarations, your wise decisions, to-day, may prove the beginning and growth of a union, in all that is true, and just, and honest, and of good report, until the heavens shall drop down a blessing upon us and around us, that there shall not be room to receive.

In encouraging myself in this hope, I will go further, and adopt the expressions of four years ago, when the Trinitarian Church was formed, for even yet, I cannot and will not despair. I am a missionary, too well taught in my youth by the marvellous and gracious providence of God, to be despairing in my age, even at such a time as this. I do not, I cannot, and I will not, despair of a Christian and harmonious union of these brethren with me in what I believe to be the right principles and measures of my own ministry.

Be you faithful in your post to-day, not trying the uncertainties of expediency for the sake of peace, but the certainties of truth and duty, and your firm Christian fidelity may lead on blessings which to all eternity you shall never be able to measure. You may thus recall these brethren from what I verily believe is the error of their way—from the path of thorns, in which I verily believe they have suffered themselves to stray, and give them and us, instead of distraction, “peace like a river, and righteousness like the waves of the sea.”

Why, sir, you are not ignorant of the vast extent and growing success of American missions to the heathen, and of the promise they give of blessings to the whole earth; but do you know, also, that their outset was marked by God's marvellous and gracious providence, twice ruling to his will and to peaceful co-operation the obstinate decision of men who had taken a wrong course, preparing thus the way of the Lord in many pagan nations? The governments of India declared that the missionaries should not form a settlement under their authority, and yet, in the moment of extremity, God turned their hearts as the rivers of waters are turned. The rulers of the East in London, one year later, arose in their wrath to forbid those missionaries, whom their servants had at last allowed; but again, in the moment of extremity, the firm rebuke of one good and great man—the decided condemnation of their wrong doing by one true believer among them—turned their hearts also by the aid of Heaven, as the rivers of water are turned. Behold the pattern of my hopes and prayers for Wareham.

“God moves in a mysterious way,
His wonders to perform:
He plants his footsteps in the sea,
And rides upon the storm.

"Ye fearful saints, fresh courage take;
The clouds ye so much dread
Are big with mercy, and shall break
In blessings on your head."

Result.—(Reprinted.)

An ecclesiastical council was convened in Wareham, by letters missive from the Congregational Church in that place, on Monday, at one o'clock, P. M., April 15, 1844, to do and advise such things as may seem right and fitting, in reference to the dismissal of their pastor, the Rev. Samuel Nott, Jr.

Rev. Cyrus Mann was chosen moderator, who lead in prayer.

Rev. C. C. Beaman was appointed scribe.

There were present,—

Rev. Cyrus Mann,	}	From the Robinson Church in Plymouth.
Br. Whitman S. Winsor, delegate,		
Rev. Israel W. Putnam,	}	From the church in Middleborough.
Br. Nathaniel Eddy, delegate,		
Rev. Jonathan King,	}	From the church in Carver.
Dea. Thomas Hammond, delegate,		
Rev. Hazael Lucas,	}	From the church in Sandwich, Monument.
Br. Benjamin Bourne, delegate,		
Rev. Benjamin Whittemore,	}	From the church in Plymouth, (Eel River.)
Br. Bartlett Holmes, delegate,		
Rev. John Dwight,	}	From the church in Plymouth, (Ponds.)
Br. Branch Holmes, delegate,		
Rev. Joseph Peckham,	}	From the church in Kingston.
Dea. Nathaniel Cushman, delegate,		
Dea. Cephas Bumpus, delegate,	from the church in Plympton.	
Rev. C. C. Beaman,	}	From the church in North Falmouth.
Dea. Joshua Nye, delegate,		

Making, in all, nine churches represented in the council.

The council then proceeded to hear the church, who appeared by their committee and counsel, in reference to the objects for which their letter missive was issued.

An offer of making this council a mutual one was tendered to the Rev. Mr. Nott by the counsel of the church, which he declined accepting. They also received from the Rev. Mr. Nott a protest, read by himself, denying the jurisdiction of the council, as an *ex parte* council. They likewise attended to the statements and arguments of other gentlemen, friends of Rev. Mr. Nott, who volunteered their services in his behalf.

Upon a full hearing of the parties, it appeared to the council that the church had offered to the pastor a mutual council in reference to his dismissal: and that he had unreasonably refused to unite with the church in calling one. Whereupon it was

Voted, That this council has been called in due accordance with the usages of our churches, and has jurisdiction as an *ex parte* council.

The council also attended to the reasons assigned by the church for their wishing the dismissal of Rev. Mr. Nott, from which it appeared

that a majority of the acting members of the church are dissatisfied with his ministry, that the parish has become greatly scattered and divided, and that the civil contract for the support of the pastor has become void; and, moreover, that he has declared, in the most public and solemn manner, that he will never unite in a council to consider the expediency of his dismissal, the written proof of which he retains in his own possession, after having promised it to the church.*

These considerations, together with the strong conviction produced in the minds of the council by all the evidence presented in the case, that the usefulness of the pastor, in his present ministerial connection, is essentially diminished, have brought the council to the conclusion that the pastoral relation between the Rev. Mr. Nott and the church ought to cease. Whereupon it was unanimously

Voted, That, in accordance with the action of the church, the said pastoral relation is hereby dissolved.

The council trust that they are deeply sensible of the sacredness of the pastoral relation, and they would be cautious and fearful in effecting its dissolution, in any circumstances, and especially by an *ex parte* council; but, after deliberate and prayerful consideration of the case which has brought them together, painful as it is, they feel constrained to come to the present result.

The council deeply sympathize with this church in their trials. We are aware of the attachment of some to their pastor, and the loss which they will feel they are sustaining in his dismissal, but believe that they will, on due consideration, see that the separation was rendered desirable, and necessary to the peace and best interests of this church and people. The long-continued difficulties appear to the council to forbid the hope that Rev. Mr. Nott could recover the confidence of the church, so as to be useful as their minister.

While we could have wished that he had been more kind and conciliatory towards those who have been dissatisfied with his preaching and the measures he has pursued, and while we would not question his piety, and would freely acknowledge his learning and talents, we think he could be more useful and happy in some other field of labor.

We would solemnly remind this church of the importance of studying the things which make for peace, and praying earnestly and perseveringly for the special outpouring of the Holy Spirit to revive this portion of the Lord's vineyard.

We would now commend you, the brethren, and all this people, to God and the word of his grace, to keep you, and build you up in faith and holiness.

(Signed,) CYRUS MANN, *Moderator*.

(Signed,) C. C. BEAMAN, *Scribe*.

Wareham, April 17, 1844.

The Rev. Messrs. Bigelow, Cobb, and J. Roberts, and their delegates, being met in council this day, the council, after some deliberation, came unanimously to the following conclusion:

* The pastor refused to give up the church records, containing the reservation (see p. 94, top) before *this* council, of course.

That they prefer taking no action on the subject matter submitted to them, for the two following reasons :

1. Some of the churches having failed to attend, leaves the council few in number.

2. The subjects submitted to them, and the new position in which they find matters in Wareham, necessarily require a mutual council in order to their proper adjustment.

J. ROBERTS, *Scribe.*

J. BIGELOW, *Moderator.*

SIXTH PERIOD—FROM APRIL 17, 1844, TO SEPTEMBER 25, 1844.

Copy of Pastor's Letter to Parish Assessors.

Wareham, April 17, 1844.

To the Assessors of the Parish: Dear Friends,—I have understood that the ex parte council which assembled on the 15th, did this morning declare me dismissed from my pastoral office, but I have received no official information of such a decision. Supposing, however, that it is true, I think it proper to inform you that I believe such a decision both illegal and unjust, for reasons manifest in my protest against the jurisdiction of that council, publicly laid before them, and to which I refer you. . . . Under this assertion I think it my duty to inform you, also, that I consider myself still legally bound to your service, according to contract, until other and legal action has been had; and so far as obstructions are not laid in my way, I shall continue in that service. As, however, there may be obstructions laid by claimants, on the ground that the contract is legally dissolved, I shall conceive my claim sufficiently asserted in this letter, though in any such case I should leave the specific duty undone. This letter shall be my apology for not insisting on my legal rights, should I find them infringed in the house of God.

I take it for granted you will take such measures as will, of course, prevent my continuance for any great length of time among you; and, in that view, my earnest prayer is, that you may receive those blessings of truth and righteousness which I have sought for you for fifteen years, and the news of which I will ever consider my joy and crown.

With great affection, your pastor,

SAMUEL NOTT, JR.

Extract from a Warrant, April 20, calling the Parish to meet on April 29, 1844.

To see if the parish will give the pastor, the Rev. Samuel Nott, Jr., a six months' notice, that the contract with the parish will expire at that time, and to make all necessary arrangements for the same.

Notice.

Wareham, April 21, 1844.

Rev. Mr. Nott is requested to notify a church meeting, to be held at this place on Wednesday next, at two o'clock, P. M., to organize and act in accordance with the decision of council, met on the 15th of the present month.

SILVANUS BOURNE,
BENJAMIN FEARING,
ABISHA BARROWS.

Public Communication, April 28, 1844.

In order that my course may be definitely understood, and in that openness and honesty which I have ever maintained, I have to read the following papers.

I received yesterday the following communication, namely :

Wareham, April 27, 1844.

Rev. Samuel Nott, Jr.: Dear Sir,—We hereby request you to occupy our pulpit, preach, and administer the sacred ordinances, until further notice.

Very respectfully yours, &c.,

SILVANUS BOURNE,

For the Prudential Committee raised by vote of the Church on Wednesday last.

[He has since preached by reason of a compromise!!! See Memorial, in Appendix.]

Answer, April 28.

I think it important to state publicly that I do not acknowledge any meeting of this church on Wednesday last, and that *I occupy the pulpit solely on the ground of the authority of the votes of this church and parish, and of the installing council in the year 1829*, according to the letter addressed by me to the parish officers, April 17, 1844, and to the postscript which I have added thereto this day, namely :

Dear Friends,—I have to add to my note of the 17th inst. that I have taken pains, the past week, to consult the best legal and ecclesiastical authorities, in regard to the doings of the ex parte council which met here on the 15th, and that I am most fully confirmed by them in the positions taken in my protest before council, and in my letter to the parish officers; that all things between me and the church and parish stand precisely as they would if no such council had ever existed, and that its doings are to all intents and purposes null and void. Praying that the parish may be directed aright, I am, &c.

Public Notice, April 28, 1844.

In regular course, the administration of the Lord's supper would occur the next Sabbath. I propose to suspend the administration un-

til further notice, if further consideration or new events should remove the difficulties which now prevent me.

In March last, I administered the Lord's supper because the complaint of the pastor and others had no time to be carried through and come to an issue. The case now is, that, under two protests, the brethren have declined both acknowledgment and reference; and, instead of acknowledgment or reference, they have organized themselves on the very error complained of, and propose the administration on the very ground of that error.

In this state of things, I suspend the administration until further consideration, or new events shall make my way clear to administer.

The delay will not be in vain, if it lead the minister and all church members to self-examination and prayer, if, haply, we may soon unite in a true and righteous fellowship at the table of our Lord. . . . Still our Savior says to us, to all, "Behold I stand at the door and knock."

Vote of Parish, April 29, 1844, after declining to give six months' Notice.

Whereas we regret the difficulty that exists in the church under the pastoral care of the Rev. Samuel Nott, Jr., feeling great reluctance in taking any action in dissolving the contract between him and the parish, at a time when seven-eighths of the parish are actually in favor of retaining him as their pastor, if we could have the aid of those who have become dissatisfied with his preaching and procedure; but, under all circumstances, in the hope of peace in the society, this parish have come to the conclusion to pass the following vote, namely:

Therefore *Voted*, To give the Rev. Samuel Nott, Jr., notice that his connection with this parish be dissolved at the end of six months, if a mutual council so advise.

Chose Stephen Gibbs, Ebenezer Crocker, and Darius Miller, a committee to communicate the preceding vote to Rev. Samuel Nott, Jr., and to act for the parish in all matters relative to the council proposed therein.

Public Communication, May 5.

Before entering on my discourse this morning, I think it right to refer to the action of the parish on Monday last, and to say that I cheerfully submit to the issue proposed in their vote, to which I shall, of course, recall your attention early in October.

In the mean while, it shall be my aim to revive and establish in your minds the great principles which have been the subject of my ministry, in the hope, almost the expectation, that a six months likely to be the last, will be crowned with great and glorious success.

In answer to this, I must claim of you a diligent, candid, prayerful hearing of the word of God.

Too many of your thoughts hitherto have been on liking and disliking—on retaining and dismissing—on the minister, and not on the word administered. Let us have one six months of attention to the very word itself; and then, perhaps, unpraised, unblamed, the minister, aided from on high, will prove himself above all praise, above all

blame, by administering the very word of life to your salvation. "Is not my word like as a fire? saith the Lord, and like a hammer, that breaketh the rock in pieces?"

From Sermon, August 11, 1844.

You know my habit of following long one subject, in its various relations and views, Sabbath after Sabbath, as exemplified in my published sermons. Have you sometimes grown tired of the old story? I know not how it may have been with you; but, with *me*, I have pursued these courses because *I* did not get tired of them—because *I* became deeply interested in them—and because I hoped most to interest you in what deeply interested myself. . . . If they were poor to you, be assured they were rich to me, and aided the life of faith which I have been trying to live. If, indeed, I have thus presented you treasures better than of gold and silver—if I have thus led forth to you streams of living waters—pray that, before we part, after we part, if we part, they may enrich and quicken your souls also. As Luther said of his psalm, these lessons are so *mine*, that whoever will, may have them—my texts, my sermons, my psalms, my scripture prayers—I have urged them upon you because I have daily endeavored to make them mine.

And here I may refer to the future. With principles long settled, in view of the word of God as the treasure and the fountain of my own blessings, I can but ask you to pray that I may be steadfast; correcting, indeed, whatever is amiss, filling up whatever is defective in doctrine and practice, and yet steadfast in my principles and my course. I pause midway in the last thirty years of human life, on the threshold of the last fifteen, and I ask what becomes me in regard to the future?—*How* does it become an elderly man to finish his course?—*how*?—not *where*. That is of small account—not where, but how? And I answer under a deep consciousness of sound doctrine and upright intentions and practice, *on the self-same principles as I have maintained for the last fifteen years*; as stand recorded in my printed works, only more consistently with them; and more earnestly and fully devoted to them. Pray for me—not that I may retain my station among you—not that I may secure place and livelihood, though I am not indifferent to these things—but that I may not swerve from my principles; that I may maintain my integrity, wherever I am, and whatever may be my lot, until I shall finish my course. If you will not receive me *with* my principles and practice, then I ask not your favor; and if no other people will, then let me finish life as I began it,—as a *minister to the world*—a preacher of the gospel to every creature—suffering all loss rather than, in word or deed, I should be both yea and nay in regard to the truths and methods of the gospel. "Pray for us; for we trust we have a conscience in all things willing to live honestly."

From Sermon, August 18, 1844.

This afternoon will call up the peculiarities of our relation. I have no pleasure in referring to them. More than three months have passed without any notice of them; and, from this day, I do not intend

to refer to them again until I am called before council. . . . I shall now, once for all, do it without reserve, as I think our case requires, and endeavoring to finish my duty therein.

5. I ask your prayers in view of our remarkable condition as pastor and flock.

It is a very remarkable condition. I am not a little acquainted with such affairs, and I must say it is perfectly novel and strange to me. . . . The like of it I have never known; and I have had to decide and act without any precedent to guide me, while, yet, my duty has seemed perfectly plain. Happy for me and for you, if, in my difficult and responsible place, I have been enabled to decide and act aright. . . . However that may be, let the condition to which a long course of proceedings has brought us, be distinctly stated and understood. Let us clearly see where we are.

This, then, is our condition in few words: The pastor stands in the decided and continued refusal to administer the Lord's supper to sixteen brethren, who ask it at his hands, as he thinks, on unwarrantable grounds—on unrighteous and illegal proceedings—on an unauthorized and unlawful organization as the church. . . . I did, indeed, make that refusal, April 28, wishing to take the utmost caution, "until further consideration or new events should remove the difficulty which prevented me." . . . But I must have already given it to be understood, by more than three months' delay, that my refusal is fixed and final, until the proceedings on which it was grounded are retracted. . . . That there may be no misunderstanding, however, I do now declare expressly and solemnly, after months of consideration and careful consultation, my continued refusal, and that I have no intention or expectation of ever administering to them the Lord's supper again, so long as the case remains as stated in my public refusal, April 28. . . . Thus the pastor stands, before you, the churches, and the world, and before the great Head of the church.

The condition in which we stand, as pastor and flock, is not to be disguised. . . . With the most earnest desires for the welfare of the brethren referred to, I am bound to declare, openly and solemnly, in the position they have taken, on the grounds on which they stand, fellowship is impossible. The refusal to administer and to act with them is unavoidable. . . . On the grounds on which they stand, the pastor cannot stand with them. In the path they take he cannot be agreed to walk with them. The path they have taken, the ground on which they stand, leave him no choice.

This state of things—such proceedings and such a position on the part of church members, and such a refusal on the part of a pastor—is, so far as I know, without a parallel in New England, and bids fair to make us a spectacle for all the churches, and a landmark for future times. It is an evil state, of which I cannot see any desirable end, by any foresight of mine. . . . I believe it beyond all human skill and power. Mortal man cannot remedy the evil: I surely cannot; and it is for this reason, because it is beyond all human help, that I commend it to your prayers. As I have said to many of you individually all summer, without this detail, "Enter into thy closet, and shut to thy door, and pray to thy Father in secret, and he shall reward thee openly."

But I have not yet stated our condition in all its aggravation. . . . These brethren hold their position with the approval and sanction of nine churches in ecclesiastical council assembled, deciding with all the aid rendered by two eminent lawyers. And the pastor stands in his refusal against the authority of those lawyers—of those nine churches; and since ecclesiastical councils are supposed to express the mind of all the churches—against, so far as yet appears, the decision of all the churches; thus abusing, if it be abuse, not a few members of one church, but nine churches, and all the churches—if it be ecclesiastical tyranny, thus lording it over nine churches and all the churches.

Nor is this all. Yourselves also, in the vote which you have passed, referring the question of dismission to a mutual council, do thereby acknowledge that *there is a pastor to dismiss*; and do repudiate and reject the whole doings of these brethren, and the council from March 1, to April 17, inclusive. And should the council called by your vote either dismiss or sustain me, in either case they will in like manner repudiate and reject the same, thus making an extraordinary case, and I say again, so far as I know, without a parallel in the annals of New England.

This is our condition, and there is nothing to be gained by presenting it in false colors, or turning our eyes away from it, as if it would cease to be, by any misrepresentation or oblivion. It is most fitting that I should attempt to bring it distinctly and fully before you. It is an evil condition, and there is no disguising it. It ought to be looked upon carefully by me and by you. I ought to consider where I stand. You ought severally to consider where you stand. It is a grave and solemn question for all parties, whether we shall have a *permanent self-approval*, not merely whether we shall stand approved by the coming council, when all the documents shall have been forced before them—not whether we shall stand approved before the churches and the world, when, as now seems likely, the documents shall have been forced before the public at large—not whether we shall have the approbation of posterity, when these documents shall become a permanent part of the ecclesiastical history of New England; but the question is, whether we shall *permanently approve ourselves*, and shall stand approved at last before the Judge of the living and the dead.

In view of these questions, and of our remarkable condition as pastor and flock, let the word be, to myself, to you, to each and to all, “Enter into thy closet and shut to thy door, and pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.”

And for what are we to pray? Of course that truth and righteousness may prevail, whoever stands approved or condemned; for without and against truth and righteousness there is no reward. Pray, of course, if I am wrong, if you who call this council are wrong in rejecting the doings from March 1, to April 17, that we may acknowledge our error and retrace our steps. But if we are right therein, then that those who differ from us may acknowledge *their* error, and retrace *their* steps; and that thus, my action, and your action in this painful case, may turn out for the furtherance of the gospel; that, by means of my refusal, and our present evil condition itself, the word of

the Lord may have free course and be glorified. . . . This, that seems the very completion and fulness of our misfortunes, may thus prove the beginning of boundless and durable prosperity—this, that now seems a most grievous and incurable disunion, may prove the best means of union—as the very dew of Hermon, descending upon the mountains of Zion.

Wareham, August 26, 1844.

To S. Gibbs, E. Crocker, and Darius Miller, Parish Committee :

Dear Sirs,—I hereby accept the proposition made me by the parish, through you, April 29, which I understand as a notice that my connection with the parish shall cease October 29, if a mutual council so advise. I agree, further, that, if the connection with the parish cease, according to your vote, the same council shall dissolve my connection with the church, and the dissolution to take effect at the same time.

This consent is given on the understanding that the following points are granted, namely :

1. That the council is to consist only of churches who have settled pastors.
2. That no member of the council which declared me dismissed on the 17th of April, is eligible on the question whether I shall be dismissed on the 29th of October.
3. That the advice of the council is to be given after a full hearing of the documents laid before the church and parish from April 9, 1834, with such explanations and statements as I may see needful ; and that their advice that "The connection with the parish be dissolved on the 29th October," shall not take effect unless all accounts are then settled between the pastor and the parish.

Further, in consenting to a proposition which so varies my privilege by contract as to prevent me from making any attempt for future provision until the decision of the council shall be known, I claim that the council meet as early as September 24, that, if dismissed, I may have one month, instead of the six allowed by contract, for such correspondence in regard to the future as I may see best.

It is also understood as my privilege to choose one half of the council. As the question submitted by your vote is whether the parish shall avail itself of its right by contract, as modified by my consent, it belongs to you, as their committee, to provide for the other half. I shall be happy to meet you at an early day, that the letters missive may be sent as early as September 1.

With earnest prayers that this matter may be issued to the glory of God and to the best good of pastor, church, and parish,

I am, &c.

August 30, 1844.

At a church meeting called "in acknowledgment of the pastor settled August 5, 1829," on refusing the votes of the sixteen, the pastor read the following paper, namely :

Refusal, &c.

On April 28th, I suspended the Lord's supper, in view of matters complained of in the protests of March 1, and April 14, on which there had been neither acknowledgment nor reference, and of the organization of the brethren complained of, and their request for the administration of ordinances on the very ground of their error. On August 18, after almost four months' consideration, and after careful consultation, I declared my decided and final refusal to administer to the sixteen brethren organized on the results of the vote of March 1, so long as the case remains as stated in my public refusal, April 28. . . . The case then declared may be stated under the following particulars, namely :

1. The sixteen brethren request the administration of ordinances on an organization as the church, on ground which, as pastor of this church, I utterly disallow ; that is, on the ground that I am not pastor, and that both the preaching and ordinances are under the charge of a prudential committee, raised by this false organization on Wednesday, April 24.

Of course I cannot administer to the claimants, on the ground that I am not pastor, while *I am still acting as pastor*, on the ground that they have charge, while I myself am but continuing in the charge which I received from the installing council of August 5, 1829. This claim being set up, I must necessarily meet it, either by acknowledgment or denial, both in words and deeds. I cannot acknowledge it : I must therefore deny it in word and deed. I must needs do one thing or the other. I must administer the Lord's supper either as a dismissed or an undissmised minister ; as pastor, or as not pastor. They must do one thing or the other. They must receive the Lord's supper at my hands as a dismissed or as an undissmised minister ; as pastor, or as not pastor ; as being or not being themselves under my pastoral charge. I cannot meet them, they cannot meet me, in two opposite characters at once ; on the basis of 1829, on which I still stand, and on the basis of April 17, 1844, on which they require the administration of ordinances. Indeed, with these opposite claims, we cannot meet at all in church action or fellowship. We cannot even acknowledge the same meetings to be meetings of the church. A meeting called by me, in my office as pastor, cannot be acknowledged by them as a church meeting, on their assumption that I am not pastor ; a meeting called by their organs, on their organization of April 24, cannot be acknowledged by me. And hence we are without any possibility of co-action or fellowship. There is left no path ; there is left not even a starting-point of agreement. How can two walk together, unless they be agreed where to come together,—if they disagree as to the starting point and the direction of their path—if their starting points and their way are absolutely opposite—if the two starting places be Boston and New York, and the paths be one east and the other west, . . . whatever else is obscure, this is plain enough—there can be no co-action or fellowship of the pastor with those who have taken charge of the preaching and ordinances on the false basis of 1844. . . . The pastor, acting on

his installation vows of August 5, 1829, cannot have co-action and fellowship with the self-styled church which organized April 24, 1844, on the false issues of March 1, and April 15. Should I proceed in co-action and fellowship, as if nothing had happened, I should set at nought all the principles of church order—all the principles on which co-action and fellowship can exist—all the principles on which there can be a church in the sisterhood of the churches, and by which churches and parishes can be united together. . . . Thenceforward the pastoral relation, the church covenant, the installing council, and the fellowship of the churches, the concurrence of the church and parish in the settlement of the pastor would be but names—would be as empty as a bubble. . . . Thenceforward any number of church members, few or many, without authority, might dismiss the minister, organize a new church, and take charge of preaching and ordinances at their will, again and yet again; and no number could be fixed to these new churches, taking their stand against the regular church and minister, taking charge of pulpit and ordinances—all existing still (if it were possible in such a Babel of confusion) in co-action and fellowship, as if nothing had happened—all agreeing to walk together from opposite starting points and in opposite paths.

It is equally plain that I cannot administer to them as members of a sister church. They cannot be regarded as a regularly constituted sister church, while on false grounds they claim to be the very church, whose sister only they might have been on any regular constitution.

2. This decision is rendered still more necessary in view of the character of the vote of March 1, from which this new organization proceeds. That vote is styled, in our protest, "unrighteous and disgraceful;" and this charge requires some action before we can again walk together. But their new organization renders all dealings with them impossible. There is no body before which our complaint can be carried. There is no church which they acknowledge but themselves and those who may unite with them under their false organization. . . . There is no church which we acknowledge but those who stand together, under the pastor, as the council left us, August 5, 1829. We have no alternative, then, but to declare them, by their own act, severed and withdrawn, and that we have no responsibility for them or to them, save to answer their appeal from this declaration, if they see cause to make it before a mutual council. We cannot declare them guilty of an "unrighteous and disgraceful vote," and then proceed with them in Christian fellowship, as if nothing had happened.

3. Ten of these sixteen are under another bar, namely, Their vote of March 1, is in violation of the agreement before council, December 20, 1843, on which they were re-admitted, and in forfeiture of their claim to the rights and privileges of this church. . . . The like may be asserted of their vote of February 23, against which we protested, March 1. But we speak of the latest vote, because it was peculiarly deliberate and aforethought, and because it dates its claim for the dismissal of the pastor months before the time when, by solemn agreement, "all past grievances were considered as settled," when the council found the pastor and both churches "prepared for Christian and harmonious union;" and because that vote was carried to its issue in the ex parte dismissal of the minister, on their own showing, as the

ex parte council declared, in view of "long-continued difficulties," and by those who had been "dissatisfied with the preaching and measures" of the pastor./

Thus, then, failing their agreement, they are not members of the church, to which, by that agreement, they were admitted. The band by which the council bound them to us does not embrace them. Either they did not allow it to go around them at the first, or they have slipped it since. Not having complied with their agreement in the oblivion of all past grievances, they are not members, according to that agreement.

To take the illustration of a business partnership,—not having paid in their promised capital, they are not members of our firm. They are not entitled to the rights and privileges of partners; and we are not compelled to the hazards and losses of a partnership thus one-sided, and virtually annulled. We are not required to abide by the conditions, on our part, after they have refused them on their part. The obligations were mutual, and are not binding on us, unless fulfilled by them. Their refusal sets us at liberty, and makes the agreement of re-union, December 20, null and void; while that refusal itself, and their claim to act for us and against us, as if they were the whole firm itself into which they came, requires us to refuse that fellowship with them which we would willingly have accorded, had they remained regularly constituted as a sister church. . . .

True, we preferred not to assume this independent judgment, and, on the vote of February 23, chose rather to submit the case, under the intimation of our judgment thereon, to a mutual council, to which we knew the final appeal must lie. By implication, our correspondence referred, in like manner, the vote of March 1. And even after the refusal of this reasonable offer, we still preferred a reference to a council called on our own part, under the hope that they would, according to the arrangement we proposed, make it mutual. Instead of this, while these diffident and kindly proposals were before them, they proceeded to act in the name of the church, at once, as if entitled to more than an equal share of its rights and privileges, and in violation of the agreement by which alone they had any title at all; to the sacrifice of all our interests, as we stood when that agreement was made—of the very interests which that agreement did literally and definitely protect! And those interests would have been sacrificed altogether, had not we refused to allow the validity of their proceedings—had not we repudiated and disallowed their doings from beginning to end. Within less than four months from the time of their re-admission on the agreement that all past grievances were considered as settled, the minister was declared dismissed, on the ground of those grievances, at their instance proceeding from the vote of March 1. . . . the ex parte council making their decision on the ground of "long-continued difficulties," and regarding those who "had been dissatisfied with his preaching and measures." . . . And nothing has prevented his actual dismission, against the wishes of the great mass of the church and congregation, but our right and necessary stand, at once against the jurisdiction of the ex parte council, and the right and title of these members to institute these proceedings at all—our decisive saying, "You are not members."

In reference to our offer of a mutual council, and the whole course of proceedings since, let me again refer, for illustration, to a business partnership. Their drafts continued, while we were diffidently and kindly proffering an arbitration, on their refusal to pay in, according to the terms of partnership, would have utterly ruined our firm—would have made us bankrupt, if, at the moment of impending ruin, we had not discerned and asserted our right—if we had not locked our strong-box, refused to answer their drafts, and publicly declared that no partnership existed between us; . . . if we had not said, “You have not paid in your promised ten thousand, now, after four months, and you are not partners in our firm.” . . . You promised the oblivion of all past grievances, and, instead thereof, have remembered them with a witness; have spread them out before the ex parte council and the world, and have obtained a decree thereon, which, if it could, would accomplish the very ruin, against which the terms of admission did especially protect us. At this point, it was time to stop talking of arbitrations, of mutual councils; and, falling back upon the terms of reunion, and upon our original right of self-preservation, to say, “You are not partners; you are not members of our church;” and to leave it to you whenever you shall see cause, to appeal us to a tribunal which shall judge betwixt us.

In assuming the right to make this decision, I have to remark on the assertion which has been made on their part, that, *according to their understanding*, the agreement before council, December 20, had no reference at all to the old grievances with the preaching and procedure of the pastor.

1. If possible, be it so. What then? *You* did not understand that you were to pay in ten thousand in order to entitle you to the rights and privileges of our firm. *You* did not, but *we* did. If, on *your* understanding, you claim, without payment, to take equal charge of our property with ourselves; on *our* understanding, *we* claim that you shall not. Suppose there were a misunderstanding, and you thought *you* were to become full and equal partners, without paying any thing; are we obliged to hazard all our interests when *we* understood the direct contrary? Are *we* bound to abide by *your* understanding, any more than you are to abide by *our* understanding. . . . If you claim to come in and disturb our condition, and destroy our interests as they were on your admission, we, on *our* understanding, have at least equal right to deny you the liberty to do so. . . . If you claim to make us bankrupt, on *your* understanding, we, on *ours*, have equal right to protect ourselves from bankruptcy—to secure the condition of privilege and usefulness in which you found us. . . . Admit a difference of understanding, and all you can ask is *to break up the bargain*; or, at most, what we offered and urged at the first, that the question be referred to the judges. . . . We began with this proposition of diffidence and kindness—indicating, and yet submitting our judgment. But while we practiced this Christian delay, you had well nigh managed our concerns to our ruin; until, at length, we say, in word and deed, “We are not partners; you are not members of our firm; you do not belong to our church;” awaiting now, your appeal, if you think you have cause, to the proper tribunal, to adjudge between us on this strange and unaccountable misunderstanding.

2. We cannot conceive a misunderstanding possible. Let the case be stated as we see it.

The only grievance, for ten years, which had been named, was the preaching and procedure of the pastor. . . . The council of 1840 decided that these grievances were groundless, but allowed the dismissal for the sake of peace. . . . The council, December 20, 1843, re-admitted them on the agreement that all past grievances were considered as settled. . . . That agreement was taken, word for word, from a paper read by the pastor an hour before, and was marked off by him publicly, as a clause to prevent all misunderstanding, and was copied by the moderator, and put into the hands of the parties to the agreement. The paper from which this uniting clause was taken was scrupulously and laboriously, was even repetitiously explicit, requiring, in express words and in varied forms, that "the original grievances with the preaching and procedure of the pastor be considered as settled," and that "all church action on old grievances should be impossible."—p. 87.

And now let it be asked, is it possible, can it be thought possible by that great assembly before whom, as some of them styled it, this marriage agreement was made—is it possible that an agreement made at the end of ten years of grievances, that all past grievances are considered as settled, *can* be understood as leaving unsettled and open the only grievances which had ever been named—which the whole town and country round had rung with for ten years? Is it possible that the agreement on which they are received can regard all past grievances, and yet leave out the very grievances on which they were dismissed?—that the agreement before the uniting council of 1843 can leave out the grievances, before the dismissing council of 1840, when the aggrieved was still pastor, and still preaching and proceeding as before? . . . Nay, that an agreement taken from the lips of the aggrieved party himself should declare all past grievances settled, and at the same time leave out himself, the pastor, the aggrieved, proposing the terms of agreement before a crowded assembly?—and, lastly, that an agreement taken from an elaborate and careful paper; which the pastor laid before council, to prevent all misunderstanding on the very point at issue, should be considered as leaving out the very grievances which the paper itself declared, explicitly and repetitiously, must be considered as settled? Was ever any thing so childish and absurd—unless we might rather be compelled to ask—was ever any thing so dishonorable and dishonest, as the suggestion that the grievances with the preaching and procedure of the pastor were not regarded at all in the agreement before council, December 20, 1843?

Indeed, I might insist upon still earlier obligations, as was suggested by me in the second resolution, laid before the church, September 8, 1843. Their application itself, to be received into the church while the pastor they forsook was still in charge, and after their grievances had been declared groundless, and their dismissal allowed only for the sake of peace—their application made to the church as it was, with only kind and confiding expressions, without one word of reference to past grievances, must of course require the only inference, if they be honest and Christian men, *that they are willing to re-unite with us as they find us*; and that they are not coming to disturb the peace, for the sake of which they were permitted to withdraw. And in the

resolutions proposed by me, September 8, I did not dare allow myself to require the explicit understanding which I thought the case demanded, until I had stated this fair inference, the omission of which might have been justly considered a reproach.

Such is the case between myself, as the pastor of this church, and also all those who agree with me in judgment, and the sixteen brethren to whom I have refused co-action and fellowship; and in this refusal do I stand, as becomes the executive officer of the church, if I will maintain the things which are true, and honest, and just, and lovely, and of good report. In making this stand, of course, as I have said in another paper, the question of the dismissal of the minister, I do not regard as the matter of a straw, in comparison with the vital questions which are here regarded. I am well aware that, in making this stand—in declaring, as I have done, that I have no expectation or intention of ever administering to them again in their present position—I am rendering my dismissal, as nearly as possible, unavoidable. Judging from the proceedings of councils generally, I have almost no reason to expect that they will sustain me in the execution of a decision which thus threatens to rend this ancient church. . . . And yet, if my points are right, on them, without fear, I ought to be sustained, though I make this fearful stand. The ancient church of Wareham cannot prosper if these points be right, and are yet set at naught. Of churches, as well as individuals, it may be asked, Who is he that shall harm you, if ye be followers of that which is good?

In Council, September 24, 1844.

The council provided for in the parish vote of April 29, being met, the following paper was introduced.

To the Reverend Pastors and Brethren of the Ecclesiastical Council, now in session in the town of Wareham: Reverend and Beloved,—It may be interesting to you to ascertain whether or not the church under the pastoral care of the Rev. Mr. Nott is represented in the convoking of this council; and, with this view, we state that we are not aware, that it is so represented.

On a Lord's day, Mr. Nott gave notice that there would be a meeting of the church, or some of the church, the exact terms of which were not well understood. The greater part of the church assembled at the time and place appointed; when it appeared that, out of twenty-five brethren present, he wished for the vote or opinion of eight brethren only; and thereupon the residue retired into the seats farther back. A vote was taken, including the eight brethren only, which related to the convocation of this council. This is all which the majority of the church know of any concurrence of the church in calling this council.

SILVANUS BOURNE,	} Committee of the persons composing a majority of the Church.
BENJAMIN FEARING,	
ABISHA BARROWS,	

Mr. Nott replied that the matters referred to would be sufficiently explained in the papers which he proposed to lay before coun-

cil. All that need be remarked at this time was the strange contradiction of this paper to other documents from the same source, assuming that the church is not under his pastoral care. Mr. Nott proceeded to read.

September 25.

During the proceedings of this day, the following paper was presented. . . .

To the Pastors and Delegates assembled in Wareham in Ecclesiastical Council: Reverend and Beloved,—We have informed you that the church in this place have had no offer to join the Rev. Mr. Nott in ecclesiastical council, and that they had no voice in selecting this council.

We ask leave, further, to say that, in the opinion of the church, Rev. Mr. Nott was dismissed from his pastoral charge several months since, in pursuance of the votes of the parish and the church, by an ecclesiastical council fully competent to act in that matter, and whose result was accepted by the church; and that, by compromise with the gentlemen of the parish, we consented that the pastoral relation should continue to give the parish time to notify Mr. Nott of the dissolution of the contract in a manner to end all controversy. We do not think the parish intended to leave the subject of that dissolution an open question; and we think the most disastrous consequences will follow by disregarding the compromise.

The undersigned are a committee of the church to act on this occasion, chosen at a meeting notified in the usual manner by Mr. Nott; but as he and the minority did not attend, we, in our former communication, designated ourselves as a committee of the majority of the church.

We only add, that, notwithstanding the reasons for Mr. Nott's dismissal are decisive and satisfactory, and his own welfare and the welfare of the church call for it; yet, as we cannot acknowledge this council to be assembled by the authority of the church, we feel bound not to appear and be heard before them as parties on the present occasion.

SILVANUS BOURNE,
BENJAMIN FEARING,
ABISHA BARROWS.

Conclusion by Mr. Nott, after reading Documents before Council, September 25, 1844.

You have now the case before you, and have to decide, it seems to me, as follows:

1. On the merits of the case, and that whether you dismiss or retain. The first questions are . . . Have the preaching and procedure of the pastor been so far true and scriptural, and also the position in which he now holds himself, as fairly to entitle him to hold place as a Christian pastor somewhere? or are they such that he is not entitled thus

to hold place anywhere? You cannot retain or dismiss without this judgment on the merits of the case. If you dismiss, you must, of course, decide how far you can recommend—whether without or with exceptions, or not at all.

2. Admitting that I am found worthy, as I hope, to hold place as a Christian minister somewhere, you will then have to decide whether there be any sufficient reasons of expediency which require or allow you to dismiss me from my present charge.

I now ask a decision, first, on the merits of the case—a decision definite, explicit, distinct. . . . I ask no favor. . . . Do your duty as becomes a Christian council, whatever you do with me. . . . I only ask,—Be definite, explicit, distinct. . . . Blame, condemn, dismiss, and even silence, if you see cause, but declare exactly for what. . . . On the very points at issue, declare me guilty or not guilty. Be as definite, as explicit, as distinct, as the civil courts are required to be. . . . Meet the very counts of the indictment. . . . Nothing can be worse for the pastor, for this church and people, and for all the churches, than a half and half verdict. Condemn or acquit, I beseech you, on the very matters in question. My preaching and procedure, and my present remarkable position, are before you most clearly, and they must be true and scriptural in your view, or otherwise; and all I ask is your definite, explicit, distinct declaration, as plain as words can make it, that I am, or am not, worthy to hold place as a Christian pastor somewhere. I may say I claim it at your hands. . . . This church and people ask it—claim it at your hands. If you find me guilty on some counts, and innocent on others, then let us have a declaration with exceptions, that I am worthy to hold place as a Christian pastor, except so far as you see cause to condemn either my preaching or procedure, or the position that I hold; and then your declaration will prove a guide and aid to this church and people, and to all the churches.

I make this earnest request because I have so often known ecclesiastical councils to make indistinct, I may rather say inconsistent, decisions, at once affirming and denying, commending and condemning—sending forth a minister at once with testimonials of worthiness and unworthiness. Why, sir, the so called result of council, April 15, which has been laid before you, declares me dismissed as a minister of undoubted piety and talents, and sends me forth to be more useful somewhere else, and yet brands me with the reproach of breaking a promise which I had solemnly made—with a fault for which, if they had been an authorized court, they ought to have excluded me from the Christian ministry altogether; as, in that case, I had excluded myself from the character of a man of integrity and honor. . . . There are cases less gross than this, which I hope will not be a pattern of your result; as when the minister is cleared on the great matters in question, but under those exceptions of mere human infirmities such as belong to our common nature, as belonged to St. Paul from the very first, and which belong neither to the general nor special inquiry before an ecclesiastical council. . . . I shall never profess, so long as I am clothed with the infirmities of the flesh, so long as I bear the treasure of the gospel in an earthen vessel, to be a faultless man—to have attained that point which, I trust, is my daily aim. But I beg you to

remember that *the question is on the faults before you*—on such faults, not as I must have in common with Elias and St. Paul themselves, but such as would render me unworthy of my office. Remembering this, let your verdict be exact, as you would expect and desire yourselves, and render no judgment on me because I also am a man. When the question is on murder or larceny, there is no occasion for the judgment that the prisoner at the bar has the same liability to anger and covetousness as belong to every other man. . . . No doubt, if you do but guess, you may fairly say that, “from the very first, I have preached the gospel through infirmity of the flesh,” and that, “even when I was received here as an angel of God;” but that is not the question before this council; but whether my preaching and procedure, long complained of, and at length brought before you for judgment, and whether my present position, are such that I am fairly entitled to hold place somewhere as a Christian pastor. I pray you decide this question, and leave others. This church, of course, is entitled to your decision; the churches are entitled to it. . . . I am entitled to it. Protect this church, and all the churches, from an unworthy ministry; if your protection is required. *Protect me* from undeserved reproach— from undeserved ejection from this church, and all the churches, if I ought to be protected. I ask you, then, of course, as an ecclesiastical council to find, in the first place, that my preaching and procedure, and my position taken, are such as to give me fair and full title to hold place in the churches as a Christian pastor; and, if not, then to find the reverse, or to make exact exceptions to whatever letters of credit you may give me.

It were most devoutly to be wished that you might be able to make a clear case in my favor; that you might find a minister fully deserving your sanction to his whole doctrine, procedure, and conduct; who, amidst the difficulties of many years, has held quietly, steadfastly, faithfully, a righteous course; around whom, as a Christian pastor, a community might be at rest, though all the winds of disturbance should blow upon them. I will not say I am such a minister; but that I have made the humble, earnest attempt to be such a minister, I do claim. Happy if, after due examination, you can say I am entitled to hold place anywhere as a Christian pastor.

3. Admitting my preaching and procedure, and my present extreme position, to be such as to give me fair title to hold place as a Christian minister, somewhere, you will then have to inquire whether the dissatisfaction brought before you in the vote of the parish does, in its present extreme state, require my dismissal. In a word; the question of expediency will be before you.

And, first, let me assure this council, what they must already suppose, that I feel no personal interest in the decision of this question. You must see plainly, I trust, that I have endeavored to do my duty, without regard to events—but, at any rate, that I have put myself in a position where, if I allowed myself to have a choice, according to human foresight at all, it must certainly be dismissal. I see, of course, no pleasant prospect, if you sustain me. . . . I am not, indeed, hopeless that my brethren, after such decision on your part, may see their error, and retrace their steps. I believe in God. But, after having

watched their course for many years, I am well aware that, according to human foresight, such hope is against hope. . . . And if it is not fulfilled in answer to my earnest prayers, then, of course, if I am left in charge, I must expect still further and still more urgent agitation. Mere human foresight does not assure me that I can maintain, with ease and comfort the position which I believe it will be my duty to maintain, if you leave me in charge; rather it warns me that painful agitations will end in dismissal.

With these anticipations of dismissal, according to contract, at no distant date, if I am sustained, you must see that I might well regard dismissal as a personal relief. . . . Nevertheless, this is not the principle on which I have pursued life hitherto—to allow myself to shrink from difficulties in the path of duty. I trust I shall not be suffered to begin now to allow myself to consult my personal feelings—certainly not my poor foresight in this matter. I verily believe that I am in the path of duty . . . that I have been in it; that I began my course in Wareham under a deep consciousness, in the expectation, that it would bring me into trouble, unless God should see fit to deliver me from my fears; and that, up to the last crowning act, I have been in the path of duty; and, of course, I believe that you ought, as a Christian council, to sustain me in it. I cannot, I dare not, ask you to spare me the trials which I anticipate, if I am sustained. . . . I see the difficulty of my position, I presume, more clearly, more painfully, than any member of this council does or can—so clearly and painfully that my only comfort in the prospect is, that which I have found hitherto in those scripture maxims, which have seemed to sustain me from 1834—"Who is he that shall harm you, if ye be followers of that which is good?" "Thou wilt keep him in perfect peace whose mind is stayed on thee, because he trusteth in thee." . . . Do your duty, and I hope to find grace to abide my lot. . . .

Having thus declared my wish not to have my personal interests or comfort regarded, I come to the question of expediency. If I am worthy to be a minister anywhere, then do I believe it inexpedient to dismiss me from Wareham; and that you ought to leave me in place, at least until I am removed by an absolute six months' notice, according to the provision, for reasons of expediency, in the contract itself; or until the questions at issue shall have been appealed to a mutual council; or until far other causes exist than any which have been brought before you. . . .

In the first place, the question of expediency is provided for amply, and, as I believe, too amply, in the terms of settlement. Surely the privilege of ending the relation by a six months' notice whenever the parish find the difficulty of retaining too great, is provision enough for expediency, and you may fairly say that dismissal cannot be expedient until the parish, without asking council, find it expedient to give the notice, which is in their own power. . . . Whenever the parish cannot provide the supplies without too great a burden, no doubt they will avail themselves of the way of escape provided at the beginning. In this matter it seems to me this council should leave the parish to themselves, under the just impression that they will know best when they need to be eased from their burdens; that they will probably seek relief, according to contract, quite as soon as they ought.

It may be well, before leaving this point, to call attention to the actual facts. According to the statement in my letter to the parish, May, 1843, when the supplies were raised by a return to subscription, there was raised considerably more than the average need, for the year 1842. At that meeting a subscription was made on the spot for 1843, which exceeded the average need, and was considerably increased afterwards. At the meeting, April 29, 1844, the parish declare that seven-eighths of the parish are in favor of the pastor's continuing in charge, and, of course, leaving the presumption that the prospects remain not less favorable than in the preceding years; while, owing to the new movement of calling this council, the matter has not been tested this year by the usual subscription.

At this point a question occurs of some consequence, namely, on the competence of the proper legal parish itself. . . . And here it is to be admitted that the legal parish, as it stands this day, does not afford a perfect view of the actual state of the people who are, in point of fact, concerned in the question of dismissing the pastor. After many informalities, much leaving things at loose ends, and then endeavoring to put all things in right shape again; and, after some withdrawals, I suppose that the actual legal members of the parish are less than one half of those who virtually belong to this congregation, and are the supporters of this institution. . . . If the question now were, what is the proportion of this larger number who may be calculated upon in sustaining the present pastor, I answer, in the first place, I am not concerned to decide. All I ask is, that you leave them to decide, and to give, or not give, their absolute six months, as they shall be compelled, or have a mind, after the attempt. And, in the second place, that, by all the evidence yet afforded, they will have no difficulty in the matter. . . . The only test made this summer is as follows: Preparatory to a settlement with me, provided I should be dismissed on the 29th of October, an assessment has been made, to be referred to the good-will of the people, on 161 individuals. From that list, I have been informed that a selection has been made of those who are supposed to wish the dismissal of the pastor, by one of their own number, who takes the charge of collecting from them. That list, I am informed, consists of 21 persons out of the 161 assessed. . . . These 21, I suppose, embrace the eleven admitted by council, December 20; and, if these numbers be any true guide, it would leave just 10 out of this large community who wished the dismissal of the pastor previous to the re-union. . . . If this showing be at all correct, I may well say the parish do not need your protection in the matter. If the legal and responsible parish consist of but fifty or sixty persons, and if under the alarm connected with such affairs, they become fewer still, they will find still sufficient aid, so long as the great mass of the community are disposed to aid them. And if it should come to pass—as no doubt it may—that some thirty parishioners should at last find themselves deserted by the community, why, all the burden they will have to bear will be just one six months, and no more; while my character, I am certain, cannot fail to assure them that, whenever they are compelled to bear a burden that they would think insupportable, they would find a friend who would consent at the instant to read six minutes instead of six months. *I pray you to leave the question of expediency where it*

was put in 1829. That question is already amply, and, in my opinion, too amply, provided for; and that is the reason why I have always refused to refer the question of expediency to council. The parish, as in the present instance, have, no doubt, a perfect right to ask council whether they shall use their right from expediency. . . . All that I consent to in this council, in return for certain advantages which I think their vote gives me, is, that your judgment, if given for my dismissal, shall take effect six months from the date of their vote, instead of six months from the date of your decision.

As to the reason,—the minister's usefulness is over, here; he may be more useful some where else—I might claim the testimonials again and again appearing in the documents—that I have conducted myself with such Christian kindness and integrity as to have created no mere personal hindrances; and crown them all with the words of an old friend, who yet, somehow or other, has suffered himself to become at length, one of the sixteen, who is credibly reported to have said, within ten days, "They have tried all they could to find something against Mr. Nott, and they can't find any thing if they should die." I say, I might claim these testimonials, as a proof that, if I am worthy to be a minister anywhere, my usefulness is not, cannot be, over, here. . . . Admit that it is so—that I am, as stated by one of the sixteen before council, December 20, so friendly to every man that no man can be unfriendly to me; admit that, passing through difficulties which are the highest trials of temper and character, my Master has enabled me in the humblest degree to imitate his blessed example; admit, further, that my preaching and procedure; and the position which I have taken, are such that you allow me worthy to hold place some where; and then I beg to ask *if I am not at the very highest point of my usefulness here?* even—however far I fall short of those ancient examples—as were Shadrach, Meshac, and Abednego, though they had provoked against them the king and all the great men of Babylon? *We have had too much worldly policy in our care of churches.* Whatever trouble I may suffer thereby, I beg you not to dismiss me from Wareham, with your approbation of my doctrine, course, and character, because my usefulness is over, here.

Again, in my judgment, you are not to dismiss *for the sake of peace.* It is not expedient that you should attempt to make peace by discharging a fair and right minister if seven-eighths, if 140 out of 160 are satisfied with his ministry; nor would it be if any fair and good majority were. Strange method to make peace—which increases the probability of contention, just as much as the numbers dissatisfied with that strange attempt are more than those for whose sake it was made! Besides, as I need not discuss, *what peace is there worth having, unless the fruit of righteousness is sown in it?* unless by it you make righteousness to flourish; unless you seek it in a judgment according to the merits of the case? Dismissions for the sake of peace! How wont to be themselves the seeds of strife! How wont to succeed each other so rapidly, that our communities, in the progress, scarce know what it is to have one year's rest; in which no earnest attempt is made to disturb the quiet attendance on divine institutions!

You may ask, then, Do I expect peace, if you leave me in charge? I have answered that question for substance already. And I answer

again,—So far as my poor foresight goes, I confess I do not ; and being a man of quiet temper, I have a thousand times felt the wish to be out of the conflict. That wish is not utterly subdued yet. . . . I know well that the great mass of this community, standing around a minister whom I verily believe the whole community value and respect, these malcontents among the rest, if they could but get rid of him—I say I verily believe that the great mass of this community might have peace, would they simply say, “ We are not to be moved from our purpose ; seven-eighths ought not to forsake a fair minister for one-eighth ; neither are we going to contend.” Could these two points be settled, and seem settled, our Warehām agitations would be at an end. . . . Any ten men, and, for aught I know, any two men, can keep a community in constant agitation, if they will allow themselves to be agitated ; but if they will unite the two qualities of firmness and kindness, then the two or the ten, will find themselves as powerless as though they were blowing with a bellows on the surface of the calm and placid lake.

True, we have causes here that may make us fearful, that my human foresight declares are fearful, judging the future from the past. No doubt you have marked these bare poles under which your deliberations are carried on. I know not how much longer they may remain bare, or what troubles may arise in connection with the repair which I believe is at length in progress, unless you dismiss the minister ; for I remember well the predictions on that score which were openly made under the stroke of the divine hand on the 20th October last. There is another matter which, it may be feared, will trouble us, and, for aught I know, bring us into the civil courts. . . . We have a fund of some four thousand dollars, which belonged originally to the parochial town of Wareham, which, since new organizations, has been for the use of the First Parish, the regular and undisputed successor and inheritor of that parochial town ; but this fund has just now been put in dispute, and is held in abeyance, on the declaration that it belongs to the town, and all religious institutions therein proportionally, be they ever so many ! And, unless there is a great misapprehension, the surest way to put this matter at rest is to dismiss the minister ; and then there will be at least some twenty more persons who will be perfectly satisfied that no future attempt should be made to alienate the fund from its course hitherto.

And yet once more, if you do not dismiss me, the next step, on the part of our new church organization, will naturally be, to give me notice that I am no longer to occupy *their* pulpit ; and then begins, of course, on one or the other part, a trespass that must needs bring these whole matters before the civil tribunals. . . .

Whatever may be to be feared on these accounts, at least there is one terrific prospect before us. I am under the solemn declaration that I neither intend nor expect to have co-action or fellowship with sixteen, so long as matters remain as they are. I renew that declaration now before you. On no other ground can I remain as pastor ; and, *if you leave me in charge, I expect and intend to proceed immediately in the regular course, refusing to admit them to co-action and fellowship until they shall either acknowledge their error and retrace their steps, or appeal me to the mutual council, which must decide between us :* and I con-

fess the prospect is not of peace, save that I hope to be peaceful, through the aid of the very God of peace himself.

. . . . It is at this point—a dispute likely to occur in regard to the repair of the meeting-house—litigation threatened in regard to the parochial fund—the very pulpit itself in danger of being dragged before the bench—and the minister refusing fellowship with nearly half the male members of his church—that some have come to think and say, The minister cannot stay. . . . Things have now come to such a pass that he must be dismissed, however small the opposition numerically. . . . And yet, at this very point, with all my own personal fears, I say, *In my judgment he ought to stay: you ought to leave him, and trust Providence to bring forth his righteousness as the light, and his just dealing as the noonday.*

I know that the position of refusal in which I stand, the stand-point I have taken, seems to render my further stay impossible. But why so, if that stand-point be right, and if there be a God whose prerogative it is to aid the right? Cannot stay? Do not say so, if my course and stand-point be right. He that makes day and night, summer and winter, calm and storm, can do more, and does more, than we can ask or think. “Why sayest thou, my way is hid from the Lord, and my judgment passed over from my God.” Cannot stay? Why we could stay, and did stay, though the government of all India and all Leadenhall street arrayed themselves against us.* . . . If my course and my stand-points are right, *leave me where I am, not doubting that God can overrule and aid, until his blessing on us shall make all Wareham and all the churches around us to rejoice.*

But there is another thing to be taken account of before you dismiss the pastor for the sake of peace: I mean the state in which the two self-styled churches will be left, sixteen members having protested against sixteen members, for a vote “unrighteous and disgraceful—a foul blot upon the records of Wareham, which they look upon with shame and abhorrence.”

Since that protest, the vote was carried out under their sanction by an unauthorized and illegal council, in the unauthorized and illegal declaration of the dismission of the pastor; and, to crown the whole, these sixteen have organized themselves, and assumed to take charge of the preaching and ordinances as *the church*, while every one of the protesters have in practice repudiated their proceedings; and though, as yet, they have had no call to act, in reference to the position which the pastor has taken; it may fairly be presumed that, though he should be dismissed, they also would refuse all co-action and fellowship, and claim that they themselves are the true church of Wareham, thus requiring what the pastor requires—acknowledgment and retraction, or a reference to the Churches. It is useless to say, or to think, that dismission would settle these affairs. Dismission is the matter of a straw; but the matters contained in those protests are not to be measured by all things of earth and time. . . . If you see the matter as I do, you will not leave the church without a pastor, in the expectation that these two divisions will flow together like two drops of water. Rather, since it exists, you will not deprive them of the advantages they must

* See p. 55.

find in having an officer in charge, who understands the whole affair, and who, I trust, has given some proof of the two qualities indispensable for the case—firmness and kindness.

There is also a natural question with regard to the action of the parish, in the circumstances which are likely to occur after the dismissal. By special agreement referred to in the pew-deeds, the church can neither settle nor dismiss ministers without a majority of the parish consenting. When the pulpit is vacant, however, they have the entire charge, the parish having no action in the case until the church make a call. If one may believe what has been floating in report long enough to entitle it to consideration at least, when this minister is dismissed, it will be a long while before the new rulers will attempt to settle another—a long while before the parish will have any voice at all in determining who shall be those stated supplies which every six months or year may introduce. . . . In such a state of things, you had better leave matters where they are until the parish can decide on the dismissal without council. . . . If they want council the time is not yet.

And yet one word more in regard to the parish. There is a special reason why this council should not dismiss—I mean the manner in which the vote of April 29 has been brought about—the injustice you will encourage thereby. I will make myself understood by an instance in matters of property. . . . Suppose, then, that Mr. A., without any rightful claim whatever, demands possession of Mr. Z.'s house, and accompanies the demand by a course of proceedings which issue in turning Mr. Z. into the street, Mr. A. pretending to take immediate possession, as the legal owner of the property. . . . Having carried matters thus far, and while Mr. Z. is somewhat disturbed and puzzled by such strange work, Mr. A. suddenly changes his whole manner; and, coming up to Mr. Z., speaks to him in the kindest manner possible, and declares his utmost readiness to accommodate the affair. "Just take possession of your house again, Mr. Z., and live in it a *whole six months!* and then leave it and give me a clear deed, and I'll say no more about the matter." This proposition seems rather hard to Mr. Z., and yet, strange to tell, he concludes to ask advice, and to hold his own, or give it up at the end of six months, accordingly.

No doubt this Mr. Z. made the greatest mistake in the world, when he was frightened into that singular concession, and put it in any body's power to alienate his own property. What will you think of his advisers, when they come together and examine the whole business, if they should make the award—that Mr. Z., at the close of six months, shall leave the house, and give a clear deed to Mr. A. simply because Mr. A. turned him out of doors at the beginning of it! If this case become a precedent, men must look to their houses. Thereafter unrighteousness will only need to do violence, and then timidity will yield the house, and authorize the deed! The parable needs no interpretation.

But there are larger views of expediency. If you start the question of expediency at all, you must look farther than Wareham.

Is it expedient for *all* parishes and *all* churches that these worldly-minded dismissions for expediency should be any longer advised, and thus made precedents for more; and that the *prime* questions of right-

eousness and truth should be made *secondary*? . . . Is it expedient that your decision should encourage the two or three to grow to the ten, or twelve, and then again to a score, in the assurance that, at length, their own unpeacefulness shall become the ground of a dismissal? that small minorities can make themselves secure of ejecting the ministry, because they will not allow large majorities to be at rest? . . . It is said, I know, that any one man, or two men, can get a minister dismissed if they set about it with the intention never to give up till they accomplish their purpose. Is it expedient for this council to justify that ecclesiastical proverb, and to help it into a rule for the churches and parishes of New England?

Is it expedient for the Congregationalists of New England to adopt the method of an itinerant ministry, and give up that permanency which their fathers bequeathed to them? Nay, is it expedient to adopt itinerancy in its very worst form—not that comparatively harmless itinerancy of the Methodists—annual or biennial changes on a regular plan—but changes irregular and contentious, of a ministry as constantly disliked and discarded as liked and received, such as we are fast making our own?

Again, is it expedient to put aside *all your elder ministry*, and intrust all the interests of the church to young and still younger hands, instead of keeping up the natural proportions of age, middle age, and youth, in which God has provided for the beautiful harmony of his church? What am I to do, if you dismiss me? I certainly do not despair of finding place again, and fulfilling my part, if life be spared, among the elder pastors of the land. But if the churches act in any consistency with the decree which at once discharges and recommends me, I shall soon be where my respected predecessor is—a dismissed minister of Wareham, obliged to become a farmer and a schoolmaster, rather than “deny the faith, and be worse than an infidel;” and there will be two aged pastors the less, because councils are so ready to advise the dismissal of ministers for expediency. . . . Is it expedient that you give another precedent, which goes to exclude pastors from their place in the church, at the most fruitful period of their lives, and to give over the whole work of the ministry into youthful hands?

There is yet another question, which, before I close, I will ask—a question not regarding *my* interest, or the interests of the church and people of Wareham, or of all the churches—but the interest of the *sixteen* brethren, who, proceeding from step to step, and gradually accumulating in number—did, after ten years, at length effect the nominal dismissal of the minister, in April last, in connection with the vote of March 1, and who did assume, on the 24th of April, to take charge of the pulpit and ordinances, as if the minister were really dismissed;—and I ask, *is it expedient for them* that you dismiss me to-day? that you enable them to carry a point with your sanction, which they could not carry without it, even after they had gained the sanction of nine churches in *ex parte* council?

Now, I will presume, in asking this question, that, if you dismiss me, it must be with your commendation of me as a true and faithful minister, worthy to hold office somewhere, as having lived in great difficulty for ten years, so rightly and kindly, as to leave the great mass of the people in my favor—under the conviction that, when the docu-

ments laid before this council shall be added to my other publications, the whole exhibition of doctrine, conduct, and character must stand approved by the public and by posterity; and thus presuming, I ask, *Is it expedient for these sixteen brethren that you dismiss me?* What! can it be for their interest, for their comfort, for their honor, that you give the finishing stroke to their unrighteous vote and proceedings; on this only ground that they will give the people no rest until their desire is accomplished? and that, too, against a man who has ever sought their good, and has never inflicted on them any other wounds than those of a faithful friend and pastor?

Is it for *their* interest that you will do this?—for their comfort and honor during the few brief years they may have to live; or will it give a sweet savor to their names when they are dead, in years and ages to come? If I live a few years longer, and fulfil my office as becomes an aged minister of Christ somewhere; and if, when I die, the principles and practices of my ministry shall live after me, proving even the smallest seeds of increase in the religious prosperity of New England, America, and the world,—will it be any advantage to them now or hereafter, to have cast me out? . . . Will it be for the credit of Wareham to have allowed it, and—I say it with all respect—will it be for your own credit to have given it your high sanction?

Result.

Wareham, September 24, 1844.

In compliance with letters missive from the First Congregational Church, Wareham, an ecclesiastical council was this day convened in their meeting-house, for the purpose of considering and deciding in reference to Rev. Mr. Nott's dismission as pastor of said church.

Members of council present were,—

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|---------------------------------------|---|---------------------------------------|
| Rev. R. S. Storrs, D. D., pastor, | } | From the Congregational Church |
| Br. Asa French, delegate, | | in Braintree. |
| Rev. Ebenezer Burgess, D. D., pastor, | } | From the First Congregational |
| | | al Church in Dedham. |
| Rev. J. Bigelow, pastor, | } | From the First Congregational Church |
| Br. B. Shearman, delegate, | | in Rochester Centre. |
| Rev. Erastus Maltby, pastor, | } | From the Trinitarian Church, Taun- |
| Br. Augustus Butler, delegate, | | ton. |
| Rev. George W. Blagden, pastor, | | from Old South Church, Boston. |
| Rev. Nehemiah Adams, pastor, | } | From Essex Street Church, Boston. |
| Br. William Brown, delegate, | | |
| Rev. Leander Cobb, pastor, | } | From the Congregational Church, South |
| Br. Nathan Briggs, delegate, | | Rochester. |
| Rev. J. Roberts, pastor, | } | From the Congregational Church, |
| Dea. Tucker Damon, delegate, | | Fairhaven. |
| Rev. James D. Lewis, pastor, | } | From the Congregational Church, East |
| | | Falmouth. |

The council was organized by the choice of Rev. Dr. Storrs, moderator, and Rev. Erastus Maltby, scribe.

United in prayer with the moderator.

After the reading of the letter missive, Rev. Mr. Nott and the clerk of the parish presented several parish votes and documents.

A communication from a committee of persons claiming to be a majority of the church, was presented, stating that they had taken no part, nor had any concurrence in the convoking of this council.

Voted, That, in the hearing of this case, we confine ourselves to the time succeeding the result of council, February 26, 1840.

Having heard Mr. Nott till nine o'clock, P. M., and uniting in prayer with Dr. Burgess, adjourned till to-morrow morning.

Wednesday morning, 25th, 8 o'clock, opened with prayer by Br. Maltby.

Mr. Nott proceeded to read documents, accompanied with statements and explanations, till one o'clock, after which adjourned, to meet at two o'clock.

Two o'clock, P. M. The council being by themselves, after mature deliberation,—

Resolved, 1. That, in the view of the council, the conduct of the members of the Trinitarian Church, in agitating the question of Rev. Mr. Nott's dismissal a few weeks after their re-admission into the First Church in Wareham, was in violation of the just expectations of the council which advised to their re-admission into the First Church; and, in view of the present council, was a breach of faith, and unworthy of upright and Christian men.

Resolved, 2. That, in consequence of there being a majority against the pastor in the church through the re-admission of these members, the pastor was justified, under the circumstances, in refusing to receive their votes; and, hence, that this council is regularly called, according to the letters missive.

In reference to the alleged dismissal of Mr. Nott, by an ex parte council, in April last,—

Resolved, That, in view of this council, the terms on which the connection of Rev. Mr. Nott, as pastor of this church, agreed upon at his installation, namely, that a six months' notice should be given by the parish or minister, when either party should wish the connection to be dissolved, had not been complied with by the parish previous to the calling of the ex parte council which professed to dismiss him; and therefore that the doings of said council are null and void.

The council are, moreover, of opinion that the fact that the clerical part of said ex parte council, called for such a purpose, was, to so great a degree, composed, not of pastors of the churches, but of stated supplies, is contrary to good Congregational usage, and to the obvious right of a pastor to be tried by his peers.

It also appears to this council that a mutual council, to act in the dismissal of Mr. Nott, had never been offered him, on any grounds which he could, in truth and justice, have accepted; because the vote of the church, proposing a mutual council, required him to admit that his connection with the parish had been dissolved two years before.

As an expression of opinion in regard to Rev. Samuel Nott, Jr.,—

Resolved, That, in the opinion of the council, Rev. Mr. Nott is sound in doctrine, and faithful in the discharge of his pastoral duties; and, as such, he is worthy of our entire confidence.

Resolved, That it is not expedient to dissolve the pastoral and ministerial relation of Rev. Mr. Nott to this church and people.

The council, in the several foregoing resolutions, have expressed the substance of their opinions upon the subjects involved in the case before them. They would, however, do injustice to their own feelings and views, and to the general subject, did they not say that, in their view, the Rev. Mr. Nott, and those of the church and parish who have sustained him hitherto, have a solemn and important duty now devolved upon them. It is a question which involves the peace and prosperity of the churches everywhere. Shall the majority of a church and parish, with their pastor, be harassed and distracted by the disorganizing efforts of a minority? Such has plainly been the case in this religious society, without any good cause; and we think that our brethren and friends who have pursued such a course have much to answer to their consciences and to God. They have rent the church and parish with a protracted and dreadful strife; they have disturbed the Christian peace and edification of their brethren in Christ; they have bound heavy burdens upon the heart of their pastor, and, we fear, have stood in the way of his fullest success. The council do not take it upon them to interpret the judgments of God, when they say that the memorial of God's hand, in the yet visible injury by lightning of this house in which we are now assembled, seems to them in sad coincidence with a state of things in the church, which, they fear, is obnoxious to the rebuke of Almighty God. While they would feel and speak in all Christian kindness towards the disaffected members of the church and parish, the council must, in faithfulness, declare to them, that they are doing an injury, by their present conduct, which, if continued, it may take years to repair, and may be preparing for them work for bitter repentance.

The council would, therefore affectionately and earnestly exhort them to withdraw their opposition to their pastor, to strive together with him and with their brethren, for the promotion of religion and the honor of God's house; and that they fulfil the promises and hopes with which they evidently encouraged the council and the church at the time of their re-admission to the church. The council will hope that a review of their conduct will convince these brethren that their own best interests for time and eternity, and the interests of the church of Christ, require that they should accede to the views and wishes herein expressed.

The council would encourage this church and parish to unite with a good heart in sustaining the cause of religion among them; to act towards one another as becometh the gospel of Christ, seeking the things that make for peace in a spirit of conciliation. The council would say to them, Be strong and of good courage, and the Lord will be with the good.

To their respected and beloved friend and brother, the pastor of this church, the council would tender their best wishes and prayers. They commend his constancy and firmness, and believe that, in maintaining it in time to come, he will increasingly manifest the meekness and gentleness of Christ. The council would therefore take leave of all concerned, with the earnest hope and prayer that they will yet see

good days for this church and people, according to the days in which they have seen evil.

Voted, unanimously, That the foregoing be approved as the minutes and result of this council.

R. S. STORRS, *Moderator.*

ERASTUS MALTEY, *Scribe.*

SEVENTH PERIOD—FROM OCTOBER, 1844, TO OCTOBER, 1845.

Pastor's Notice, Sabbath, October 27, 1844.

[*'Taking upon himself the power and responsibility of putting them, if not out of the pale of the church, yet out of the privileges of the church, at his own free will and pleasure, more in the character of a prelate than a pastor.'* See Memorial, September 23, 1845.]

By the leave of Providence, I shall administer the Lord's supper in this house, next Lord's day, as pastor of this church, installed August 5, 1829, to those who remain in the acknowledgement of me as such.

Of course, administering as pastor I cannot administer as not pastor, on the request of the sixteen brethren, who have publicly withdrawn themselves from my pastoral charge, and, in their organized separation, have requested me to "administer ordinances until further notice."* Their separation from me as pastor of this church is entirely their own act. They alone, without any act of mine, have separated themselves from me as pastor of this church, and thereby made it impossible for us to act or have fellowship together as pastor and church members. Nor must we profane this holy ordinance by any attempt to come together in opposite characters. I must not profane it by administering in two opposite characters, as pastor and as not pastor—a *double man*; they must not profane it by receiving in two opposite characters, as under and as not under my pastoral charge, as *double men*.

November 1, 1844.

After the preparatory service, S. Bourne, Esq., made to the pastor, publicly, the following communication, viz :

"I am authorized to state, that so many of eighteen male members of this church, as shall make it convenient to present themselves at the communion table next Sabbath, will do it with the understanding, that the Rev. Samuel Nott, Jr. is the invited pastor and not the settled pastor of 1829."

Sabbath, November 3, 1844.

The pastor proceeded as follows, viz :

As introductory to what I have to communicate I repeat, as we have just sung—

Blind unbelief is sure to err,
And scan His work in vain :
God is his own interpreter,
And He will make it plain.

* See p. 116.

(The notice of last Sabbath having been read, and also the communication of Mr. Bourne on Friday.) Was there ever stricter special pleading than this? The administrator notifies the administration in the following terms: "I shall administer, as pastor of this church installed August 5, 1829, to those who remain in the acknowledgment of me as such." The reply of certain persons is, that they will come to the administration, "with the understanding that the Rev. Samuel Nott, Jr. is the invited pastor and not the settled pastor of 1829." This then is our condition: the pastor coming to administer *as the pastor of 1829*, and these persons coming to receive, on the understanding that he is *not the pastor of 1829*. This is our condition.

God is his own interpreter,
And He will make it plain.

They are coming on "the understanding that the Rev. Samuel Nott, Jr. is the invited pastor and not the settled pastor of 1829." . . . Of course, they cannot be received on that understanding. Of course, we cannot meet at the communion table at all, for I shall come to it on the directly opposite understanding, viz, that I am *not* the invited pastor and that I *am* the settled pastor of 1829. With this opposition of claims, *I cannot administer to them without denying myself both in word and deed; without profaning the holy ordinance in the very act of its administration.* With this opposition of claims, *they cannot receive of me without denying themselves, without profaning the holy ordinance in the very act of its reception.*

The communication of Friday last, just read, would require me to refuse to administer to them, if there had been no previous ground, while taken with the request of April 27, and with the second communication laid before council by their committee, September 25,* it confirms and strengthens the necessity which previously existed. In this third communication, I am informed, with varied phrase, which only makes the case more plain, that they will come to the communion on the understanding which I have rejected for more than six months; which I rejected in the appointment of the ordinance; which now, in the phrase of their last communication, I do again reject. *I shall not administer on the understanding that I am the invited pastor and not the settled pastor of 1829;* but, on the entirely contrary understanding, that I am *not* the invited pastor, but *am* the settled pastor of 1829.

And now tell me, how with these opposite understandings we are to meet in giving and receiving; how I am to reach them so that I can give; how they are to reach me so that they can receive? . . . *As well might I, standing on this spot, reach the church in Sandwich; and as well might the church in Sandwich reach me standing on this spot.* The one would be the hindrance of a twelve mile's distance; the other, the hindrance of an utter and absolute inconsistency. Of course, I must refuse to administer to them on the understanding declared, as well as on all the accounts already abundantly explained.

If any are disposed to predict evil from this method of proceeding, my answer is, as at the close of the paper, August 30, explaining the whole matter: "To churches and communities as well as individuals,

* See p. 128.

applies the question, Who is he that shall harm you if ye be followers of that which is good?"

The communicants notified last Sabbath, i. e. those remaining in the acknowledgment of me as pastor, installed August 5, 1829, and not those who propose to come on the understanding that I am the invited pastor, are now requested to take their usual seats.

The Administration.

1. The communicants being seated, prayer without remark.

2. I request Mr. Henry Burgess to assist Dea. Crocker in the administration.

3. From the manner in which the seats have been taken, I cannot decide whether some of the persons excepted in the invitation, design to present themselves. Others of them are so seated as to leave no doubt. Of course, if any have not intended to present themselves they will understand that what I am now to lay before you does not apply to them. In anticipation of this emergency I have prepared myself in writing. *Engaged in a most solemn and responsible work the utmost deliberation is needful, and also that the whole proceeding should be made in such a manner as to be matter of record, and be ready for all needful review.* I proceed to read as I have written.

I perceive in the seats appropriated to the communicants, those who have informed me that they should come on "the understanding that I am the invited pastor and not the settled pastor of 1829," and who have been informed that I cannot administer to them. . . . And now let me ask, Is it decent, is it becoming God's house, is it reverent to this sacred ordinance thus to present themselves? I may ask yet further, Is it kind to me? My deliberate course, as I trust my whole character, must have shown them that my decision in this matter has not been taken rashly, nor without reason, which compel me as a man and as a pastor of Christian integrity; and they must believe that I cannot administer, on the understanding on which they come, without doing violence, at once to my common sense and conscience; without denying at once the declaration on which the administration proceeds, and my whole opinion and course in the matter; without doing an act in my own view, absurd and wrong; without proving myself in the act, base and false? And can these brethren intend or desire to compel a Christian pastor in administering the Lord's supper, to do an act contrary to his own sense of duty? to deny the very words in which he announced the administration? to administer the Lord's supper with a lie in his right hand? Or, if he could do so base an act, are they willing to receive the administration at his hands? Or, on the other hand, will they, by coming after the repeated declaration of the pastor, that the administration proceeds only on the ground of 1829—after that declaration upon theirs of Friday last, will they come in an act which in these circumstances must contradict their own declaration? . . . I beg them even now to withdraw themselves. . . . Let them not attempt a communion and fellowship which is impossible. . . If they proceed and I proceed after these mutual declarations, there is no communion, and the only appearance where the reality is impossible, must come from a double meaning somewhere, on my part, or

theirs, or both; that double meaning, that mental reservation, that falseness of the thought to the deed, which was the grand and leading Catholic immorality. Do these brethren wish that I should administer to them after *their* declarations, and thus imply that I am but an invited pastor, while yet I have the secret understanding that I mean no such thing? that I should be a false man? Or, on the other hand, after *my* declaration, are they willing to come and thus imply that they come acknowledging me as the pastor of 1829? and yet with the secret understanding that they mean no such thing, as false men? . . . Will these brethren withdraw? . . . (After sufficient waiting.)

Having now waited sufficiently long, I have no further responsibility, except to proceed to the administration in the most distinct and explicit terms, and under a due sense of my responsibility as a minister of Christ and as pastor of this church. As a man of honesty and truth I administer in one character only, as the settled pastor of 1829, to those who remain in the acknowledgment of me as such; and whoever takes of these symbols on any other grounds, takes them not from me as I minister at this table. To you, therefore, who remain in the acknowledgement of me in my pastoral office, received here fifteen years ago, and not to those who come on the understanding that I am not the settled pastor of 1829, do I, ministering in the name of Christ, give this bread.

The cup was administered in the same formula, after again stating the importance of making record of the whole procedure. The service was closed by an address to the large number, who had remained, urging them to profit by the scene before them.

P. S. November 5, 1845. This painful scene might no doubt have been avoided—not indeed by *me* if they pressed themselves as receivers of what I could not give on the understanding required—but by that “courteous separation” which was the only proper course of the brethren after taking a position and making requests and declarations which forbade communion. *When we cannot agree on a basis of union, there is no other proper way but to agree to differ.* See declaration of November 2, 1845.

The sacrament of Lord’s supper was administered January 5, 1845, under the same papers and formula as in November.

March 2, 1845.

The pastor in proceeding to administer the Lord’s supper made the following communication.

I gave notice last Sabbath, as I did previously at the Lord’s supper in January, that the administration would proceed at this time on the declarations made before, and at, the same solemnity in November. I am obliged to suppose that those refused, now present, (four,) design to present themselves a third time to receive the Lord’s supper at my hands, notwithstanding my continued refusal and their own remarkable neglect of my ministry during the interval. In these circumstances I proceed to repeat the several steps in the case, and to make such a conclusion of the whole matter as, I may hope, will induce them, whatever may be their present intention, not to present themselves now or hereafter, until the bars which they have themselves put up shall be removed. This, then, is the state of the case.

On the 17th April last, the pastor of this church was declared dismissed by an *ex parte* council; and on the same day he made public and official declaration of his belief, that that dismissal was both illegal and unjust, null and void, and that he should continue in the exercise of the duties of his office until other and legal action had been had.

On Saturday, April 27th, the pastor received the following letter, namely: "Rev. Samuel Nott, Jr., Dear Sir.—We hereby request you to occupy our pulpit, preach and administer ordinances, until further notice. Very respectfully yours. . . . S. Bourne, for the Prudential Committee raised by the church on Wednesday last."

On Sabbath, April 28, the pastor having read that letter publicly, declared, "that he acknowledged no such meeting of the church, and occupied the pulpit solely on the ground of the votes of the church and parish, and of the installing council of 1829."

Thus on Sabbath, April 28, we stood, *with our positions perfectly defined*:—I claiming to be the pastor of this church, on the ground of my original settlement in 1829; and the adherents of the *ex parte* council, *an organized body styling themselves the church*, and claiming of me to preach and administer ordinances on their request solely; i. e. *on the ground that I was dismissed April 17, 1844*. Thus we stood, and have stood, from that day, in positions which render all co-action and fellowship impossible.

It was at this point that I was to proceed in regular course to announce the Lord's supper for May; and though I saw then, that they had by their own act rendered co-action and fellowship impossible, yet as I was obliged to decide my course without much time for reflection; I thought it most advisable "to suspend the communion until further consideration, or new events should remove the difficulties which then prevented me."

On the 18th of August, I made the further public declaration:—"I do now declare expressly and solemnly, after months of deliberation and careful consultation, my continued refusal; and that I have no intention or expectation of ever administering to them the Lord's supper again, so long as the case remains as stated in my public refusal, April 28."

On August 30, I gave to these brethren and to the church, in a very careful document, the reasons of my refusal of co-action and fellowship: and this careful document having been laid before the council of September 24, 1844, on the question referred by the parish, that council left me in my office as pastor. . . . At this point I considered it my duty to terminate the suspension of the Lord's supper, and to proceed thenceforward in the full exercise of the pastoral office. . . . I therefore, on the last Sabbath in October, announced the Lord's supper in the following declaration (see ante) which has been the basis of all subsequent proceedings. . . . (The declaration of Friday, November 1, and the papers of Sabbath, November 3, 1844, having been referred to.)

I think it proper to add now, in a matter of such importance, and connected with all the principles of social order;—that this separation is not only no act of mine, but that it is also, not merely a separation

from me, but as truly from this church itself as it has stood and stands with me as its regularly settled pastor; and that, whether the number of the separatists be few or many. . . . *United on a false basis, they are not and can never be the church of Wareham, which has stood and been sustained in the fellowship of the churches for a hundred years:—* and therefore further, that it is not merely a separation from me, and from this church, but *from all the churches*, so far as they stand in fellowship with this church, and with me as the pastor of this church settled August 5, 1829. . . . As long as these persons remain in their false organization, and in their claim of the administration of ordinances on the understanding that the Rev. Samuel Nott, Jr. has not been pastor since April 17, 1844—so long, do they bar out themselves from all co-action and fellowship with this church, and all other churches who disallow the jurisdiction and doings of the ex parte council which declared me then dismissed. . . . Even if the pastor were now to die or be regularly dismissed, his dismissal or death would not restore them to their place in this church, or in the fellowship of the churches—would not undo their false organization and acts. This church, and the churches in fellowship with it, would still have to require retraction and disavowal, and a declaration of allegiance to the regularly constituted church, before they could proceed to co-act and have fellowship with them, before they could walk with them at all. This church could not commune with them; no minister could administer to them, *while denying their organization and their claim to be regarded as the church, and to receive ordinances on their understanding of the dismissal declared April 17, 1844.* . . . The dismissal or death of the pastor might be thought, in popular phrase, to unite all parties by removing the bone of contention; but it could not permit this church, however reduced in the number of adhering members, or the churches in fellowship with it, to unite with those who claim co-action and fellowship on grounds which they rightly and utterly deny.

Let it be understood then, that this separation is no act of mine, and that it is not merely from me, but from this church also, and from all the churches, if they adhere to the settlement of 1829. Let these brethren be assured that the longer they pursue their course, the more clearly must it appear to all reasonable and Christian men, that their organization and demand forbid the co-action and fellowship on which they insist. If I have any right apprehensions of the necessary principles of social order, without which no communities can exist—nay, of the plainest dictates of common sense, they cannot have co-action and fellowship as they now stand with the pastor of this church, with this church, or with the churches in fellowship with it. *Time may be trusted* to clear away the darkness which may have obscured this matter in the minds of any, and I have no doubt will at length approve my refusal of co-action and fellowship, to the minds of all reasonable and Christian men.

I think it proper on this occasion to say farther, that the refusal of co-action and fellowship, in which I stand, is, in the circumstances, *the only true method of peace.* If I had attempted ten months ago to secure peace by maintaining co-action and fellowship, I should have

taken the very method to produce discord and contention. The attempt to act together with two opposite organizations, under two opposite heads, on two opposite understandings, if persevered in, must have been in confusion and strife while it lasted; and the opposite claimants must at length have been forced apart, to remain without co-action and fellowship, until they could agree on which basis the church stands, whether August 5th, 1829, or April 17th, 1844. The right course is the most peaceful course. There can be no interference with true peace in avoiding all improper occasions of dispute and conflict. If an entire separation is an evil, it is the least evil that the circumstances admit. All that is required of me is to be ever ready to meet these brethren in co-action and fellowship on right grounds, and until then, to continue my refusal in all kindness.

I will add one word with regard to the congregation at large, before whom in the administration of the Lord's supper I come to show forth the Lord's death. Beware, lest you make a wrong use of the circumstances in which you see us. Were the circumstances ten fold more unpleasant than they are, this ordinance would still be the appointed sign of our Saviour's sacrifice and work, and would still call to repentance and faith—to the new birth and to deeds made manifest that they are wrought in God; or recurring to our late instructions—the Lord's supper would still call you to the Lord's prayer; to employ it in spirit and in truth, and to live the life which it breathes forth, now, hereafter, and forever. Let not these circumstances turn you away from the great object of your being. . . .

I cannot say that I can meet these circumstances without pain: but this I must say, that never in all my life, have I seen the path of duty more plain. Ten months have elapsed since I took my present stand, and my duty has appeared in the progress of time, only more and more plain. . . .

At the close. . . I will only say to all, invited or uninvited—church members or spectators: However dark the prospect, if we are forced by the darkness to the only source of light, then, the light will arise upon us. . . .

Dr. Hitchcock's Letter.

Randolph, June 19, 1845.

Rev. Samuel Nott, Jr.: My Dear Brother,—I have been requested by a gentleman from Wareham to make some efforts for the promotion of peace and love in that place, which request I have taken into consideration. I may come to the conclusion that it is my duty to comply, but if so, it will be with an earnest desire for the best welfare of yourself and the church of Christ. I hope, however, that such arrangements will be soon made by yourself and the church, as to convince me that I have no further duty to perform in the premises, and no need of solicitude respecting the cause of Christ in Wareham. The longer I live, the more deeply do I feel the importance of making personal sacrifices on the part of both ministers and churches, to build up our beloved Zion. The greatest sacrifice I have been called to make, has been to have any thing to do in allaying the spirit of variance, than which I know of nothing more opposed to the spirit of love, which is

the spirit of the gospel. That we, and all concerned, may be influenced wholly by this spirit, is the sincere desire and earnest prayer of
Your friend and brother,

(Signed).

CALVIN HITCHCOCK.

Answer.

Wareham, June 24, 1845.

Rev. and Dear Sir : The documents are all ready for your inspection after, or, (if peradventure you may think it a needful preliminary,) *before* you have "come to the conclusion," "to make the greatest sacrifice" which falls to your lot. . . . "It is a snare to devour that which is holy, and after vows to make inquiry." . . . The documents, so far as I am concerned, will be found on your visitation, to have been prepared with the utmost deliberation and care; and I would hope, as declaratory acts and overtures, not in oblivion, after the discipline of one third of a century, of the spirit of "personal sacrifice" and of "the spirit of love" which I sought earnestly in my youth. I trust that "all things will be set in order when you come."

With all due respect and affection,

SAMUEL NOTT, JR.

Public Notice, June 25, 1845.

In consequence of the lamented death of Dea. Crocker, the Lord's supper for July will be omitted.

It is needful further to give notice, that unless the reference to a mutual council under which the pastor's declaration was made, August 30, 1844, ten months ago, be accepted, it will be indispensable, soon, to make the arrangements which will then be needful for the regular administration of ordinances and church affairs.

Wareham, July 2, 1845.

Messrs. S. Bourne, D. Swift, and J. Bumpus : Dear Brethren,—At our conference on Monday last, I understood you to be acting for the sixteen brethren, and to intimate in general terms your readiness for a mutual council on the matters in question between us. On parting with you I promised to prepare a form for a letter missive, which should be conformable to the documents existing in the case, and, *that being premised*, as agreeable to you as I could. I have therefore limited the accompanying forms to the mere facts, without qualifying them at all. I have prepared two, either of which I am ready to adopt as you may elect. It is proper to add, that they are submitted on the understanding expressed at our conference, that the proposed council is to consist entirely of churches with their regularly settled pastors.

First Form.

Whereas there is a difficulty in the Congregational Church, Wareham, on the matters herewith submitted, this is to request you, by your reverend pastor and delegate, to meet in mutual council, and to hear, examine, and decide on the following points, namely :

1. Whether ten members, late of the Trinitarian Church, are enti-

tled to the rights and privileges of this church, so long as they persist in their votes of February 23, and March 1, 1844, and their subsequent action therefrom.

2. Whether sixteen members of this church, including the above ten, are to be sustained in their vote of March 1, 1844, and in their subsequent action therefrom; and whether their organization and action on the result of ex parte council, April 17, 1844, are to be sustained.

The above form being adopted, that is, the points at issue being referred—*then* my refusal of co-action and fellowship, made because you would “neither acknowledge nor refer,” would no longer exist, and the letter missive would go forth in the name of the Congregational church of Wareham, by our united vote.

If the above form is not adopted, that is, if the points at issue are not referred to a mutual council, *then*, in the language of August 30, 1844, with our “opposite claims, we cannot meet at all in church action and fellowship, we cannot even acknowledge the same meetings to be meetings of the church;” and, of course, my refusal of co-action and fellowship remains in full force, *subject to the appeal therefrom to a mutual council*, to answer which, I pledged myself in my declaration of refusal. In this case, the following form of letter missive is, in my opinion, suitable, and to be preferred to one more particularly according to the facts, namely, “approved by a committee of the church meeting in the acknowledgment of the pastor, settled 1829,” and by “a committee of the church meeting on an organization in accordance with the result of ex parte council, April 17, 1844.”

Second Form.

Whereas the Rev. Samuel Nott, Jr., has refused all co-action and fellowship with sixteen brethren, on their organization and request, as signified by their committee, April 27, 1844, and under the pledge to answer their appeal to a mutual council thereon,—this is to request you, by your reverend pastor and delegate, to meet in mutual council, and to hear, examine, and decide on that appeal.

(Signed,)

SAMUEL NOTT, JR.

A. B. and C. D.,

In behalf of Appellants.

That the conformity with the documents may be manifest, I subjoin the following references to the past. [This letter closes with referring to the protest of March 1, appealing to a mutual council; to the public offer of a mutual council before ex parte council, April 16, 1844; to the suspension of the Lord's supper, April 28, because “they would neither acknowledge nor refer;” to the communication, August 18, refusing communion so long as the case remained as April 28; to the refusal under reference, of August 30; to the renewed offer implied in the reading the documents before the council of September 24; and to the papers of November, grounded on the preceding refusal.]

Wareham, July 17, 1845.

S. Bourne, Esq.: Dear Sir,—Your proposition of Friday last, in behalf of the sixteen brethren, was to insert between the two questions in my first form of July 3, the following: "Whether Mr. Nott is to be sustained in excluding them and others from the privileges of the church." I understood you finally to propose it as a third question, embracing the whole number at once, as follows, "Whether Mr. N. is to be sustained in excluding the sixteen brethren from the privileges of the church."

I have, first, to say, in agreement with my paper of July 3, *that when the two questions are referred, then there is no exclusion to sustain*, because my refusal of co-action and fellowship was on the ground that you "would neither acknowledge nor refer." Strictly speaking, the third question is inadmissible.

Again, if the design be, as I suppose it is, that my whole proceedings as they were, shall be adjudged, all this is included in the comprehensive questions already before you. If you are sustained in your organization and action, then *I* am not sustained in refusing to act according to them. . . . On the other hand, if *you* are *not* sustained in your organization and action, then *I am sustained* in refusing to act according to them. . . . Strictly speaking, the third question is unnecessary.

Nevertheless, if you think otherwise, then I agree to the following, the exact counterpart of what precedes, and in the same exact and literal agreement with the facts, as follows: 3. Whether Mr. Nott is to be sustained in refusing to acknowledge "their organization and action, in accordance with the result of *ex parte* council," and in refusing co-action and fellowship thereon, under reference to a mutual council.

I have to add, further, that my consent to a mutual council, whether on the two questions or the three, must be on the understanding that *I hold myself under my contract with the parish, with all its obligations and privileges remaining until after a six months' notice given by one or the other party*; and that my submission to any decision sustaining the organization and action of April 24 and 27, 1844, cannot take effect until six months after the notice which such a decision would require me to give; that is, I consent as far, and no farther, than I have a legal right to consent; a limitation necessarily implied, if not expressed, but which I hereby express in form, though under the fullest assurance that the council cannot sustain the organization and action in question.

This formal reservation is required of me peculiarly by the circumstances of the case. I should have ill requited the exact, scrupulous, and continued fidelity of the parish, had I failed to make it. From the time of the *ex parte* council, they have faithfully recognized the contract as continuing in full force;—April 29, 1844, referring the question of a six months' notice, according to contract, to a mutual council; in November, called to see if they would give a six months' notice, declining to do so, and making provision for the fulfilment of the contract; in March, 1845, declining again; and, at their annual meeting, in April, 1845, making their usual annual arrangements for

their obligations. . . . Had I failed to make a formal reservation, I should have been put to shame by the exact, scrupulous, and continued fidelity of the parish, and could not have complained if an unreserved compliance, on my part, had been met with their claim of no obligation since October 20, 1843.

This formal reservation is still more important, in view of the persons who are about to call upon the churches to sustain their organization and action, on the ground that there is no contract. Who are these persons who, in March, 1844, decide that there is no contract since October 20, 1843, and vote without reserve for the ex parte dismissal of the minister?—at whose call an ex parte council declares, in April, 1844, that “the civil contract is void,” without any hearing of the parish after March 7, 1842?—who organize and act on the ground that there is no contract and no minister?—and who, after the parish has affirmed the contract fourteen months longer, are about to call the churches to sustain their organization and action, on the ground that there is no contract? . . . I will only state the circumstances which would render me inexcusable, if I did not make the most formal reservation of the contract, until I can close it by a six months’ notice. . . . *Ten of them, without whose vote these proceedings could not have been put in course, withdrew from the parish seven years ago, and have never since borne any share in fulfilling the contract, which, after seven years, they presume to adjudge.* Five years ago, they withdrew from the church also, under the result of council, that they might do so, though without cause, “for the sake of peace.” December 20, 1843, they were received again under the result of council, “on the understanding that all past grievances were to be considered as settled.” On the first of March, 1844, they voted for the dismissal of the pastor by a concurrence with parish vote of March 7, 1842, and, on the 24th April, 1844, united in an organization, in accordance with the declaration of an ex parte council, called by their vote, that the minister was dismissed in view of “long continued difficulties,” and because the “civil contract was void.” . . . And now, after fourteen months’ adherence on the part of the parish, *they* are about to call a council to sustain “their organization and action,” on the ground that *there is no contract with the parish!* . . . Of course, I cannot decently submit the question without the most formal reservation, that a decision in their favor cannot take effect until after a six months’ notice, according to contract.

That there may be no misunderstanding by the council, I add, that this reservation is not intended to vary the questions submitted—to express any consent to an award which shall close the relation after six months. I submit no such question; but simply reserve that any decision sustaining the sixteen in “their organization and action on the result of ex parte council,” cannot take effect until after due notice, according to the contract existing and acted upon by the parish and myself until now; and this reserve is made under the deepest assurance that the sixteen ought not to be and cannot be sustained.

Further, it will be necessary to insert a clause in the letters missive, so that the introductory sentence may read as follows: “Whereas there is a difficulty in the Congregational Church, Wareham, on the matters herewith submitted, this is to request you, by your reverend pastor and

delegate, to meet in mutual council, and, under the preliminary papers of July 3, and July 17, to hear, examine, and decide," &c.

With earnest prayers for a blessing, yours, &c.,

SAMUEL NOTT, JR.

July 19.

In answer to Mr. Nott's communication of July 17, Mr. Bourne, in behalf of the sixteen, expressed his wish to accept the original proposition of July 3, that is, the two questions only, without the clause inserted in the preamble by the letter of July 17. Mr. Nott insisted that any acceptance, whether of the two questions or the three, must be with the formal reservation stated in the letter of July 17. Whereupon Mr. Bourne agreed to accept the three questions, and the clause inserted in the preamble as above, distinctly stating that it is because Mr. Nott refuses to submit them without the reserve expressed on the 17th.

July 27.

The church met, pursuant to notice given last Lord's day by the pastor, as follows:

The church, without any exceptions, are requested to meet immediately after service on Sabbath, July 27, to take such measures with reference to a mutual council which has been agreed upon, as they may see fit.

The church having heard the reports of the agreement,—

Voted, That they receive the sanction of the church, and that Mr. Nott and Mr. Bourne sign the letters missive in behalf of the church.

Notice, August 31, 1845.

By the leave of Providence, the sacrament of the Lord's supper will be administered in this house, in regular course, next Lord's day, and as I expect, with the aid of the surviving deacon.

It is necessary to add to this notice, in connection with my notice of April 28, 1844, suspending communion, and with the papers of August and November, 1844, refusing communion; and, again with my notice, omitting the communion for July, 1845, that the case described and referred to in these several documents no longer exists; that the hindrance to fellowship was removed on the 19th July, when the matters in question were referred, by agreement, to a mutual council. . . . The Lord's supper will therefore be administered without the exceptions made in the papers of November.

May He with whom is the fulness of all blessings, so influence us that this renewed communion may be with the highest blessings upon us and around us. . . .

Wareham, Sept. 23, 1845.

Meeting of Council.

The council being convened on the letter missive agreed upon July 19, the Rev. Dr. Hitchcock, of Randolph, was admitted to act in

behalf of the sixteen brethren. The preliminary documents referred to in the letter missive were then read; after which the Rev. Dr. Hitchcock read a "Memorial of the First church in Wareham," with the "legal opinion" and "result of council" appended, and presented the same papers as printed documents, stating that they were not published, but printed for the use of the council. . . .

On hearing the title and first sentences of the memorial, Mr. Nott objected to its being styled a "memorial of the church," since the very question referred, was, whether the organization and action of the brethren under that title, was to be sustained.

Dr. Hitchcock then expressed his willingness to substitute another phraseology. When Mr. Nott said, that having interposed the objection, he was perfectly willing that the paper should be read, as it had been printed.

The printed documents having been read, the Rev. Mr. Putnam supposed that the next thing would be, for Mr. Nott to say how far he admitted and how far he denied the matters contained therein.

Mr. Nott. I was some years ago indebted to Mr. Putnam, who pursued legal studies in his youth, for a definition of what is called *special pleading*, which takes place before the parties go into court. Now if these documents had been put into my hands a week ago, I might no doubt have been ready with my special plea thereon.

Dr. Hitchcock. The brethren did not have the pamphlet until last evening.

Mr. Nott. I happen to know that this pamphlet was printed a week ago. . . .

Besides, three fourths of the "memorial" have nothing to do with the case. This council is called upon *specific questions*, which are to be answered upon their own merits, and not upon any views of my doctrine and proceedings at large. No doubt I feel a natural desire that you should think me a worthy man and minister; but I shall not allow myself to be diverted by that desire from the simple questions before you. It would require far more time than I can expect you to sit, to settle one half of the irrelevant matters contained in the memorial. Much rather will I leave you to think that I preach against all revivals; that these brethren are having "a serious conflict for orthodoxy;" that I am ministering to "a Unitarian Society;" that the number of my "hearers is greatly reduced;" that I have been very much "excited" and that I have said the sayings declared,—than to allow any departure from the specific questions before you. In general terms, *I do not admit the statements which have been read*, but I shall not attempt to meet any of the errors which are irrelevant to the very matters in hand. . . . *I also have marked out my method before this council, and in pursuing it, I believe I shall indirectly correct many of the errors in the memorial.* In this hope, I shall proceed according to my previous plan.

Mr. Nott's introduction to the documents.

The whole case lies amply stated and unfolded in the best of all forms—in *cotemporary documents*—in *declaratory acts*. They cover more than eleven years, and are distinct, explicit, full statements, on

which I am still willing to rely, as when they were, at each occasion, carefully and deliberately prepared; and I have the fullest confidence that these documents will approve themselves to the judgment of the wise and good in all future time. If you would take leisure to consider them, I should have scarce a word to say. I took the utmost pains at every step to consider and record my reasons at the time; and the several declarations and statements are my acts. The documents are the testimony in the case. The more fully you examine them, the better I shall be satisfied, and the more perfectly will you understand, and, as I believe, approve my course, and disapprove the doings against which I stand.

I trust you will take time. The parties concerned in this council have a right to claim that you take time enough to understand the case. Besides, you do not meet and adjudge for us alone, but for all the churches. The decisions of this council will not be unimportant to Massachusetts and New England. You cannot have any more important duty than to give all the time and attention to this case which you shall find needful in order to decide aright, the points which are submitted to you as a court of Christ.

The questions to be decided are sufficiently plain. *Under reference to a mutual council, as became me*, they have been decided by me, carefully, deliberately, I have hoped prayerfully, as became a Christian minister in new and untried circumstances, where he was compelled to act. Happily for me, a kind Providence has led me to do all I have done in declaratory acts, in written documents, giving the reasons on which I acted, and which I believe ought to influence you in the answers to the questions before you.

After this introduction, Mr. Nott proceeded to read the documents in application to the three questions successively, making partial use of the following summary. Dr. Hitchcock was then heard in reply. Mr. Nott rejoined and closed in the full use of the summary prepared beforehand. His extemporaneous rejoinder and explanations he has attempted to embody, for substance, with the original paper. Dr. Hitchcock replied. Mr. Nott declined any rejoinder, being willing to rest the case on the documents and summary already before the council.

Mr. Nott's Summary of the Case.

First question.—The members, late of the Trinitarian Church, are not entitled, &c.

The votes and subsequent action, embrace the procuring the minister to be declared dismissed and their uniting in an organization and in action in accordance with that declaration. Believing the facts already sufficiently before you, I will only beg you to compare the *three results of council*—February, 1840; December, 1843; and April, 1844.

The *first*, February 24, 1840, allows their dismissal for the sake of peace, though without any sufficient ground in their grievance with the preaching and procedure of the pastor—the grievance of many years.

The *second*, December 20, 1843, re-admits them “on the under-

standing that all past grievances are to be considered as settled, and that all future grievances are to be issued according to covenant obligations," and this, in the very words which that pastor proposed, and which were the sum and substance of the full, explanatory paper from which they were taken.

The *third*, April 17, 1844, in less than four months, procured by these very members, declares the pastor dismissed, in view of "long continued difficulties," of their "dissatisfaction with his preaching and measures," by concurrence with *a vote more than two years old, and twenty months older than their own readmission on the ground that all past grievances were settled!*

April 24, they unite in an organization as a church "in accordance" with this result, on a dismission thus declared in connection with past grievances; all, by their own showing, in direct, literal, gross contradiction to the terms of agreement, on which, four months before, they were readmitted, and only consistent with their "memorial" before this council, still pleading the grievance of years, and the full right to plead it in contradiction to the agreement of December 20th.

As to the claim of that memorial, that the agreement of December 20th had no reference to the pastor at all, I might say, as with reference to any column of figures summed up to a false footing, you may print and reprint the error a thousand times over, and yet every child will know that the footing is false. Two and two can never be made five, however often the assertion or reassertion be made. With regard to the testimony of Dr. Robbins, and other members of the council of December, 1843, it were enough to say, that no testimony can establish a different understanding from the plain and necessary meaning of a written document. What testimony can prove that the note for one hundred dollars was intended for five dollars, and above all, when one hundred was the footing of the account which that note settled. If ten Dr. Robbinses were to declare that the agreement did not regard the pastor who proposed it before hundreds of witnesses, nor the grievances which these returning members had at their departure, the agreement would be still as plain to the contrary as that two and two make four! Besides, not to do Dr. Robbins injustice, the sentences quoted from Dr. Robbins do not touch the case; but one central sentence, not quoted, does, for it gives the agreement in full strength—nay, still stronger, by giving it in a different form of words. That one sentence forbids any understanding which excludes the grievances with the pastor.*

No sir, so long as these brethren persist in their votes and action, they are not of us; cannot be; ought not to be. They have slipped the band of agreement and are not bound with us. They have rejected the terms of the partnership and are not *our* partners. They are not entitled to the rights and privileges of this church so long as they persist in their votes and subsequent action. Such were my declarations, August 30, 1844,† corresponding with earlier declara-

* I regret that I am not able to publish this letter, not having received any answer to the following note to Mr. Bourne: My dear sir,—I renew my request, made through Mr. Barrows, for a copy of Dr. Robbins's letter read before the late council; and most cheerfully state that my design is to print it, or such extracts from it as I may think required by the extracts already printed in the "memorial."

† See pp. 123, 124.

tions, all under reference to a mutual council; *not*, as has been said, *myself assuming to adjudicate*, but referring *my* judgment in the matter, *to be adjudicated* by the churches in mutual council assembled. Of course, the question was one for a council to settle, and not for the church, when the very question was, Who are the church in view of an agreement made before council? . . . I expect your decision, that they are not entitled to the rights and privileges of this church, so long as they persist in their votes and action.

Admit such a decision painful; but it is not so painful as to allow a solemn and plain agreement, made in public and before a court of Christ to be so grossly violated—not so painful as to bind a church together on a breach of faith, which is not to be tolerated in common business. . . . I speak without reserve. There can be nothing more unhappy than to slur over these proceedings and declare these persons in fellowship while persisting in their doings; as there is nothing so desirable as their fellowship, on the acknowledgment and retraction of their error. There is no other course consistent with the decision of the council of December 20, 1843, nor with sound morality. The path these brethren have travelled, by their own showing, is not correct; and there is no way of establishing them in the rights and privileges of this church, and in the fellowship of the churches, but to insist that they retrace their steps. Unless you do this, you put the claims of the church of Christ lower in the moral scale than business partnerships—than civil corporations. You set aside the principles of common honesty and plain-dealing. . . . The highest kindness, too, if their course be wrong, is to require them to forsake it. *There is no kindness in attempting to slur over wrong deeds, or in requiring fellowship with them.* If you will deal truly with these brethren, you stand the fairest chance of their present and everlasting thanks.

Second question.—The vote of March 1, and subsequent action, embrace the procuring the pastor dismissed, and the uniting in organization and action thereon as a church without a pastor—their request and declaration. Can that vote and these issues be sustained? They cannot.

I. Because the vote of March 1, was no vote of the church.

(1.) For *first*, the right of ten to vote was suspended by regular protest and appeal to a mutual council—by due and formal challenge—until that appeal and challenge were issued. No matter, though the challenge be decided groundless; that decision could not cover the interval between the challenge and its regular decision. It is the principle of common sense and common law, applicable to all public bodies, that voters under challenge cannot vote until that challenge has been heard and determined by the proper authority.

(2.) Much more, if you decide them not entitled now, so long as they persist in that vote, then of course they were not entitled to pass the vote itself. On both these accounts the vote of March 1, 1844, was no vote of the church in Wareham; and, on this ground, both it, and all results and action therefrom, fail to be sustained.

II. Because if it had been a vote of the church, *it did not authorise the letter missive on which the council was called.* The vote is to call a council “for the dismissal of the pastor.” The letter missive calls

to "do and advise such things as shall seem right and fitting." No authority is given by the vote for any inquiry as to what is right and fitting—no authority is given for such a letter missive. Of course the letter missive and the council thereon cannot be sustained.

III. Because if the vote had been of the church, and the council had been duly called according to the vote, *it consisted for the most part of churches with ministers not regularly settled*; and therefore not competent to be enforced upon a minister regularly settled. By consent, any council might be competent. But without consent, such a council is incompetent; and no action thereof can be sustained. The extreme case brought forward by Dr. Hitchcock, does but make the principle more manifest. Suppose, then, with him, that Dr. Beecher is the unsettled minister to be enforced as a judge in an ex parte council upon a minister regularly settled, and it makes more plain the principle which sets aside one of the first ministers in the land. The ex parte council had in it eight ministers, and if I am rightly informed six of them were not regularly settled; and I say, if they had been *six Dr. Beechers*, that council would not have been authorised to try and decide the question, which was brought before them.*

As to the other assertion—*They had jurisdiction because they decided that they had*; I know not how to treat it seriously. Alas! for us if it is so. Then, Inquisition ad libitum, anywhere, everywhere; a court to dismiss or to destroy, wherever there can be found men who shall declare themselves a court! who shall say, We have jurisdiction! Then, there shall be no difficulty in forestalling justice. Before the regular court shall convene on Wednesday, as in this case—the quickest runners shall occupy the bench on Monday, and *be a court, because they say they are a court!* and judgment if not justice shall sacrifice its victims!!

IV. Because if the council had been regularly called and constituted, *it was an ex parte council without the necessary preliminary of a mutual council unreasonably refused.*

(1.) No offer of a mutual council at all, was made to me on the terms on which that council was called, i. e. "to do and advise what was right and fitting." As to the assertion that "for the dismissal" and "to do and advise what is fitting," (i. e. that "to be executed," and to "go to trial,") are equivalent expressions—I leave the logic and candor of it to the logic and candor of the council.

(2.) The offer made in the March vote—the offer refused—was the most unreasonable conceivable: it being not *to go to trial*, but to *confess judgment and be sentenced*: or, as I was compelled, for shortness, to say before the council of last September, not to be tried for my life, but to be hanged outright!

I need not try to enhance the argument by dwelling upon the facts that this ex parte council was called without giving me any information of whom it was to consist, and that I had to meet two able lawyers without the least intimation that legal council was to be employed. . . . I proceed to a *fifth* reason why this March vote and the subsequent action cannot be sustained.

* Not more, than that six Daniel Websters would be the Supreme Court of Massachusetts, capable of enforcing judgment; however capable of being arbiters by consent.

V. Because if the four preceding reasons did not exist, and the council were to be acknowledged as having jurisdiction in the case, then, *the originating vote of March 1, 1844, furnishes no good and sufficient ground for the dismissal of the minister.* I ask your deliberate and careful attention.

(1.) The vote of March 1, 1844, presents a concurrence of the church with a notice of the parish, March 6, 1842, two years previous! and cannot be considered as any due compliance with the agreement between the parish and the church, that "to dismiss a minister, shall be in favor of his dismissal, both a majority of the church and a majority of the society." What other meaning can this have, but that a majority of the church and a majority of the parish must be in favor of dismissing, *at the time of his dismissal?* The truth is, that the vote of March 1, 1842, *was never offered for concurrence at all! was never intended for concurrence.* But if the passing it were to be declared as equivalent to presenting it for concurrence in March, 1842; even then, *it certainly was not presented for concurrence in 1844, any more than in 1848 or 1853!* . . . Much more, a vote of March, 1842, cannot be offered for concurrence two years afterwards, to voters not in 1842 belonging either to the church or parish, and who had lost all claims to a voice in the matter, by a withdrawal from the parish and all its obligations five years before! The concurrence was "*estopped*"!

(2.) The vote of March 7, 1842, *does not propose to dismiss the minister at all.* On the other hand, it proposes the *continuance* of "parochial services," in dependence on subscribers for support, precisely as had been done five years before. I have a fair claim to deny the right to make even this conditional notice, at a meeting called to pass votes in "relation to the contract," and not to vary it or set it aside—not called for the specific purpose as in 1837.* But passing this objection, the vote of March 7, 1842, bears on its face the proposal of continuance of "parochial services" on a new tenure.† No doubt, the vote might have been better expressed, but its meaning and intention could not have been more plain. In the very same utterance, without finishing the sentence, without stopping to take breath, the parish proposes "parochial services" on a new tenure, in lieu of the old—adds a clause of continuance to limit and explain the clause which preceded. Besides, it makes its proposition in the exact terms of 1837,‡ thus adopting a precedent already established; and that precedent is referred to in the letter of acceptance, July 29, 1842,§ and the pastor's understanding, stated that the vote "proposed a continuance of parochial services." If the parish had intended dismissal and not continuance, they would, of course, have replied accordingly, to the mistaken assumption of the pastor. Their silence gave consent to his understanding, of the plain meaning of their vote, and to the application of the precedent of 1837.

Again; if the parish "deliberately dismissed the minister, March 7, 1842," what means the subscription paper,§ adopted in parish meeting under the same date, "for the purpose of paying the Rev. Samuel Nott, Jr. for his services as pastor of the first parish in Wareham, the half to be paid in June and the balance in December?" . . . A dis-

* Compare pp. 21 and 57. † Do. pp. 58 and 21. ‡ Do. pp. 58, 59 and 23. § p. 58.

mission deliberately given to take effect in six months, and a provision deliberately made at the same instant for semi-annual payments, as to an undismitted minister! The relation to end September 7, 1842, and yet provision made for the claims of a relation continued in December! I am no lawyer, and have had no experience of the power of legal studies in sharpening the eye-sight, and of course cannot see with those sharp-sighted lawyers* "the manifest dissolution contemplated in the agreement," in the very utterance which proposes the *continuance* "of parochial services"—in the very subscription paper which provides "for the support of Rev. Samuel Nott, Jr. as pastor of the first parish in Wareham," *after* the relation is dissolved! I, of course, know not the legal import of *ex vi termini*, but must suppose it to mean—what only legal sharp-sightedness can see—the termination of a thing in its continuance; the end in what reaches beyond the end! The like acumen appears in the evidence found in the receipts given March 6, 1843, on the same paper—one for salary, on the old tenure, *to* September 7, 1842, the other for salary, on the new tenure, *from* September 7, 1842,† both given to the treasurer six months *after* the "dissolution;" *after* the "deliberate dismission;" *after* the receiver had been six months longer in actual service. Such is the *vis termini* to an eye sharpened by the law! The tearing of the receipts apart, and thus leaving the second receipt not dated, and making the impression that the date *in* the receipt is the date *of* the receipt, and that it was given at the end of the six months' notice, may teach men to be cautious to date *all* their receipts; but this alters not the fact. The receipt is still for salary *from* September 7, 1842, *after* the six months' notice had ended, dated March 6, 1843!!

(3.) The concurrence with my notice, of April 20th, 1843, refusing to depend on an irresponsible subscription more than six months, gives no efficacy to the vote of March 1, 1844.

In the first place, the church had no need of concurrence with my notice at all, if it really existed March 1, 1844; for the church had a standing concurrence with any notice of mine, given when they procured my installation on the parish vote of 1829. My right of dismission on my own six months' notice, does not depend on any new concurrence of the church. But, secondly, *there was no notice of mine to concur with March 1, 1844*; for after considerable correspondence with the parish, my notice, April 20, 1843, *was virtually withdrawn by my letter of July 31*, signifying my acceptance of a proposition then made me.‡ What means then this concurrence of March 1, 1844, with my conditional notice of April 20, 1843, *eight months after it had been withdrawn*? Had not I a right to withdraw my own notice after the conditions of withdrawal contained in it had been to my satisfaction fulfilled? Had not I as good a right to be satisfied with the proposition made July 31, as I had to be dissatisfied with the proposition which I refused, April 20th? And when I had declared my acceptance, *what notice of mine was there to concur with*? There was none, after July 31, 1843—not even the next day; much more was there none eight months afterwards. . . . No matter how I became satisfied. I *was* satisfied. I had the same dissatisfaction in

* See Legal Opinion, p. 189.

† See p. 58.

‡ See correspondence, pp. 59—75.

1837, and became in like manner satisfied, and declared my acceptance of terms proposed; and in neither case was there left any notice of mine to be concurred with in months or years afterwards. Can you sanction a dismission on concurrence with a notice of mine, after it had been dead eight months? now—after it has been dead twenty-six months?

(4.) The resuming vote of the parish, July 31, 1843, had set aside the parish vote of March 7, 1842, and left no vote of the parish for the concurrence of the church, or for the dismission of the minister. This resuming vote would, of course, settle the question, were it not that it is pleaded to have been passed at an illegal meeting. I proceed to consider the case in view of that plea.

(a.) No matter whether the meeting were legal or not, if I was satisfied so as to withdraw my notice. What if I had been satisfied with the proposition made me by the committee of June 4, to accept the encouraging subscription offered me,* or the other proposition of individual responsibility, and had declared my satisfaction and acceptance in the same manner as I had declared my dissatisfaction and refusal? Had not I a right to be satisfied with the good will of the parish, without any inquiry or knowledge as to legal formalities? Or if I had become rich, and thereupon ready to accept half salary, or no salary, had not I a right to withdraw *my* notice, and leave the parish, if they wished the relation dissolved, to give *theirs*?

(b.) Admit the meeting, July 31, 1843, illegal, and therefore incapable of acting; was not the May meeting for the same reason illegal, being called by the self same unsworn officers? And being so, then, of course, that illegal meeting, that unassembled parish, had no hands to take, no eyes to see, no tongue to read, no ear to hear, my notice of April 20, though it was the fullest parish meeting that Wareham ever saw, and my notice had not yet reached the parish, March 1, 1844!!! The effect of this alleged illegality would be to leave me under the vote of March 7, and my letter of July 29, 1842, still on the irresponsible subscription list, but not dismissed, nor liable to be dismissed, thereby.

(c.) If the meeting of July 31, 1843, was illegal, and the resuming vote invalid, so also was the meeting of March 7, 1842, making the vote of notice equally invalid. The undoubted truth is that both meetings were, strictly speaking, illegal, that is, that the officers who called them had not been duly qualified; and that this defect runs back through several years, rendering every meeting illegal in itself, and, if there were any case of formal qualification, rendering that also invalid, because the originating meeting was not called by qualified officers. . . Admit all this—which cannot be denied—and the effect is not to destroy the vote of July 31, 1843, only, but the notice of March 1, 1842, also, and to leave the original contract of 1829, in full force, and my claim of \$800 a year, instead of \$700, upon the First Parish in Wareham, wherever this corporation can be found—a claim, of course, to be discarded with abhorrence! †

(d.) The neglect of the parish, in the due forms of parish meeting, cannot cancel a contract which preceded those neglects—a contract

* See p. 72.

† Compare p. 110.

long standing and still current in visible and regular course of services rendered and received. Are not contracts to be interpreted according to the understanding of the parties? And is it the understanding of the parties that a minister is to keep watch and ward upon his parish, and take charge of its legal forins, in order to preserve his contract inviolate? I never inquired whether the parish meeting that called me, in 1829, was legal or not; nor did any one of these ministers ever ask the like question of their parishes. And why need the question be asked at the first, or afterwards? Do corporate bodies cease to be bound by their obligations because of their own subsequent neglects? Can obligations taken ten years ago be cancelled by illegalities which have followed since? Can a town rid itself of its obligations by carelessness and neglect of legal forms?—be rid of legal obligations by its own illegality? Can the state, can the nation, repudiate its obligations because there have been irregular forms? Can France, under Louis Philippe, deny the claim for spoliation on our commerce under the consulate, and keep back the 5,000,000 francs?

The meeting of July 31 was illegal, was it? There is a legal flaw, is there? The law will let you slip your obligation, will it? Be not too sure. Will a court of law, April 17, 1844, decide that there has been no contract since October 20, 1843, contrary to the understanding of the parties at the time of making the contract—contrary to the principles which govern all public bodies, great or small, because of informality and irregularity? Above all, will they do this when the contracting parties are still connected by services rendered and received, and when by the allegation, the public body has not been heard from for more than two years of that still existing relation? Will a court of law decide such a contract void, when, during two years of services received, the parish has not been heard from? When they learn the plea that the contract was dissolved, March 7, 1842, and that the parish has received the service of two years without any legal utterance, what think you they will do before they issue the case in April, 1844? I am no lawyer, but I can instruct you better than the ex parte council of 1844 were instructed by two of the ablest lawyers in Massachusetts. Why, they will either dismiss the case altogether, or require the plaintiff to cite the parish to appear legally at a future hearing. . . . Admit that the parish did not speak legally, July 31, 1843, does not the law provide a way for opening its mouth? If it has not been heard from for two years, is there no legal way of breaking the silence? How law would proceed in such a case you may learn in every newspaper you see—in every advertisement to absent parties previous to judgment. Was ever such a thing heard of as this, that more than two years after the parish had last legally spoken on a contract of fifteen years still current, the court, without any citation, should instantly decree the contract void? . . . Still more plain would be the case to-day. If the parish has not been heard from for three years and a half, what else can you do but to suspend proceedings until they can be cited to appear and answer under due forms of law?

But the matter does not rest here. The parish has met, and at length, under due forms of law, under the warrant of a justice of the peace, March 9, 1844,* and thenceforward, has spoken in many meet-

* See pp. 101, 102.

ings according to law, refusing to dissolve the contract—referring the question to a council, which refused to dissolve the contract—again and again refusing to dissolve the contract, and making arrangements to fulfil its obligations! Would a court of law meeting to-day, and having proved before them the action of the parish since March 9, 1844, sustain the dismissal of April, 1844, or decree a dismissal to-day, to take effect March 24, 1846, against the legal action of the parish itself maintaining the contract?

(e.) But suppose the contract were void in law; suppose that the courts of Massachusetts were not courts of both law and equity; and that the legal flaw were sufficient to debar all claim at law; and that the pastor can be cut short, September 7, 1842, or October 20, 1843, when in equity, in righteousness, in honor, his claims are good until April, 1846. Suppose the path of injustice and dishonor as bright as the noonday, with all the light which glared on it in this house of God, April 16, 1844, which nine churches of the Old Colony were deceived in thinking the light of the sun! . . . What if it were so! Is it the part of a Christian council to do wrong because they legally can? and of another Christian council, to confirm their wrong doing? Alas! the clearer the proof that you can do wrong safely, the greater the crime of doing it! Admit the license which the legal flaw gives you, and it is but the license to do an act "unrighteous and disgraceful"—the license to do what belongs not to that high court of equity—an ecclesiastical council! (Compare pp. 109, 110.)

But, to conclude this matter of legal avoidance—to state it as I believe it would stand before the courts of Massachusetts,—*The contract is not void in law, because it is not void in equity, because the courts of Massachusetts are courts of law and equity; because the laws are to be interpreted on the principles of equity. . . .* Well did I say before the ex parte council, on a supposition which has not come to pass, that if this matter were compelled before the courts, and should find Judge Eddy or Judge Coffin on the bench—not interpreting law for their clients, but holding the even scales of justice—the minister's common sense would be found weightier than the law they plead! Well did I quote Judge Story's commendation of Chief Justice Marshall—that it was not his profounder knowledge of the law, but his profounder common sense, on which all law must rest, which made him worthy to be chief justice of the United States, and the expounder of the Constitution. And well may I now quote from the ex-chief justice of this commonwealth, as reported to me by a juror of common sense: "There is no law," said he to some of these pleaders of technical flaws in favor of injustice, and against reason and common sense—"There is no law but reason and common sense." And certainly in Massachusetts, without any separate court of equity, it is especially true that the courts of law, are courts both of law and equity. . . . The laws are to be interpreted on the principles of reason and common sense. Yes, sir, if you should sustain the dismissal of April 17, 1844; and if this parish (I beg them to pardon the supposition) should thereon refuse payment from October 20, 1843, to the 25th March, 1846, on the ground that the contract has been void, and this matter should come before the courts of Massachusetts, there could be no other decree, but that the First Parish of Wareham must be bound through its corporate offi-

cers or individual members, and must pay the salary, until the contract should have been duly voided by the notice conditionally promised July 17.

Indeed, this matter is so plain that these sixteen and their abettors cannot and do not, with any consistency, maintain their own ground. . . . Was the ex parte council self-sustained in the dismissal they declared? They were called on the assertion "that the contract of settlement was dissolved," and in their result declare that it was "void," and needed not to leave their seats to decide a matter which was as plain as the noonday! And yet this council adjourns at 4, P. M., on Tuesday, and sits until two o'clock on Wednesday morning! For why? Because the case, instead of being clear as the noonday, is as dark as the midnight in which it was decided! And yet, again, in the midst of that long session, after six hours' consultation, why came one of its members to me to see if I would not agree to a mutual council, unless because the proposed ex parte dismissal was not felt to be clear? Nay, why was not my consent thereon, as before the council itself, to go to a mutual council, on the grounds of dismissal in the March vote, accepted, but from the feeling that no mutual council would adjudge a dismissal? . . . Nor are the sixteen any more self-sustained than the council they procured. Before the ex parte council in their Memorial, they declare the parish extinct for years; and yet, in their Memorial of September 25, 1844, they declare that Mr. Nott was dismissed in pursuance of the votes of the *parish* and the church, and that in pursuance of a compromise with the gentlemen of the *parish* they consented that the pastoral relation should continue "to give the *parish* time to notify," and do not think that "the *parish* intended," &c. (See p. 128.)

Nay, further, the very call under which you sit gives their own repudiation to their own doings! I insisted, before I would submit this question to you, that I was bound by contract, and could not violate it, though the wisdom of southern Massachusetts should declare me dismissed a year and a half ago; and that such a declaration should not take effect except after the time required by the terms of that contract. And do you think, sir, they would have yielded my reservation; if they had felt able to sustain the declaration of the ex parte council? Would they have consented that the contract should not be voided until six months to come, if they believed themselves able to sustain the decree that it was voided two years ago?

Third Question, on refusing Co-action and Fellowship.

The discussion of this question before council requires two or three specific notices.

1. It has been asked, Why this refusal of co-action and fellowship was made by the pastor without being referred to the church, as acknowledged by himself. . . . The plain answer, manifest in all the documents, is, that the refusal was not made for the church, but for *himself*. It was *his* refusal, not *theirs*, and, from the very nature of the case, must have been *his*, even though it had not been theirs. Had the church, meeting in the acknowledgment of the pastor, voted

their consent, *he* could not have administered to those who presented themselves, on a demand, and with an understanding which *he* personally and officially discarded. The pastor did not decide even for the deacon, but left him to pursue his own course, after the pastoral formula had been made. . . . He acted *for* himself, and only for himself.

2. A pathetic appeal has been made on the tyranny of this refusal. Alas, how easy it is to turn things about, and then talk of them as just the contrary to what they really are! If there be tyranny in this matter, who are the tyrants? Undoubtedly they who cast the minister by force from the pulpit and the table, and then required him to "occupy the pulpit and administer the sacred ordinances" on their leave, on their "understanding that he was the invited pastor, and not the pastor of 1829," in the virtual acknowledgment of what he publicly and solemnly denied!—not *he*, who did but rule himself so as not to deny his principles—so as not to be false to himself!

3. Let it be remembered that the question is not on a refusal of communion, in whatever gross form any may see fit to represent it—in whatever glaring colors any may choose to paint it—but simply on the *documents* of the administration. This, and this only, was done by the pastor on these trying occasions. . . . *He uttered these papers* deliberately, most deliberately prepared, under the deepest conviction that he was acting before God, angels and men. . . . *He uttered these papers*; and on these, and these only, is the question,—Are they such papers as the occasion justified and required? And now, briefly, as I am prepared beforehand,—

The *third question* is necessarily answered according to the answer to the second. If the sixteen *are* sustained in their organization and request, in accordance with the result of *ex parte* council, *then I am not sustained* in refusing to acknowledge and comply. . . . If they are *not* sustained, *I am*. . . . Of course, if you decide that I was regularly and rightly dismissed, April 17, 1844, and that, since that time, I have been nothing more than a temporary supply, until the further notice of the prudential committee "raised by the church" on the 24th April—*then I am* condemned in continuing to act on my installation of 1829. And, on the other hand, if I was *not* dismissed, and if they therefore were not duly organized as the church, then I have been right in acting as the regularly settled pastor of Wareham. . . . The facts of the case rendered it impossible for me to have co-action and fellowship with *them* on the ground on which they requested and claimed fellowship with *me*, as is abundantly set forth in my declaratory acts, already before you. . . .

Shall I add the briefest illustration? . . . Mr Moderator,—Will you permit Dr. Hitchcock to speak on this floor on the understanding that you are not the moderator of this council? Will you exchange with me next Sabbath on the understanding that you are not the regularly settled minister of Braintree? Will you admit me to your pulpit on the understanding that it is not yours? Or to the Lord's table on the understanding that you are not the regular administrator of it, on the ground of your original settlement? *Can* you do these things? There is but one possible answer which can be made by common sense and

common honesty; and if you make that answer, you shall no doubt be sustained. Is it possible that you will not sustain *me*, as an honest and consistent adherent to my installation of 1829?

But I hasten to conclude, fixing your attention chiefly and finally upon the second question, though without overlooking the others. I shall speak with all respect to this council—with all kindness to these sixteen brethren; but I assure you I have considered these matters too long, and see them too plainly, not to speak also without reserve. . . . Be assured this is no question of angry parties, whose feelings you are come to allay—of mutual mistakes, on which you are prudently to find some middle way—but a question of all-important principles. This whole community are my witnesses, that, if there are contending parties, I am not one of them; that the testimony before the council, December 20, 1843, of my friendliness to all *was* true—is true; that, saving the standing on these points firmly, there is no accusation of unfriendliness; and that, if firmly, these have been quietly, peacefully, maintained—not in angry contention, but in deliberate and calm declaratory acts, without disputings. And the principles are so right and so plain, that I expect the common sense and common honesty of the mass of the community to justify your decision, in refusing to sustain the vote of March 1, and its issues—the organization and action thereon. There is no medium way of settling these solemn questions of right and wrong, and, I repeat from the preliminary papers, my deepest conviction that this council ought not to, and cannot, sustain these brethren.

But, in a matter yet undeclared, perhaps I ought, for a moment, to admit the possibility that you may sustain these acts, which I call, as I did the originating act, “unrighteous and disgraceful.” With all respect to this council, let me say, if you *do* sustain, *you cannot yourselves be sustained*. No doubt you will be sustained thus far, that, at the expiration of the six months’ notice, according to contract, which I have promised on this supposition, I shall withdraw from Wareham, in obedience to your decision, unrighteous and disgraceful as I shall most certainly think it; and, of course, *these sixteen will have carried their point*, and will have gained whatever reward and blessing such an object and such measures bring with them, and you will have conferred the boon! But do you think the matter will end here? . . . What if these things *are* unrighteous and disgraceful; do you think that *your* decision can exalt and establish them? Do you think that, if you sow to the flesh, *you* will not of the flesh reap corruption? and that the seeds sown in Wareham, in southern Massachusetts, in this commonwealth, will not come to their legitimate harvest, except as they are prevented by the abhorrence and condemnation of the people? What though the wrong first done in Wareham should have gained first the sanction of nine churches of the Old Colony, and then been crowned by the representatives of the church in southern Massachusetts, partakers of what I most fully believe an ecclesiastical and civil crime. Suppose such a thing possible: *you yourselves cannot be sustained!* Do you think that even now the common sense and common honesty of the people of Wareham will sustain you; that the common sense and common honesty of these neighboring churches, long familiar with these transactions, will? And when these documents shall

have been forced through the press, and become a part of the ecclesiastical history of Massachusetts, and be read now by whosoever will, and in years to come shall be found among the rubbish of old times—do you think that men will honor the council who shall sustain these doings? What! will common sense and common honesty, will time, will events, will the harvests of men's deeds sustain a council which declares a contract void two years ago, and yet not void for half a year to come?—a dismissal valid, October 20, 1843, and yet not valid till March 25, 1846?—that there was no contract with the parish, October 20, 1843, under a condition of fulfilling the contract until March 25, 1846!!!—who sustain a dismissal, too, by a council not authorized by the vote on which they met—by an ex parte council on matters never offered for a mutual council—a council for the forcible dismissal of a settled pastor, formed of churches, for the most part, without settled pastors? . . . Connected, as my name must be, with the ecclesiastical history of New England from my early connection with foreign missions, do you think that time will not, in this matter, bring forth my righteousness as the light, and my just dealing as the noonday?

You have the opportunity to-day of doing effectual service to the cause of truth and righteousness—to the great principles on which churches, parishes, and ministers can act together—to the great principles on which alone men can live and act together even in civil life. And in so doing, you will render the best service to these sixteen brethren; for you will then aid their return from wrong paths. I pray they may accept your decision, as an excellent oil, which shall not hurt their head—as the greatest of all kindness.

But if you should confirm these doings—the effect of dismissing me I do not regard as the matter of a straw—yet nothing can be more injurious to them, and to those who may agree with them among this people—to the nine churches who first sanctioned the wrong, and to the thirteen who shall crown it with their approbation. . . . Instead of effacing, it would be fixing and extending the blot, from Wareham to southern Massachusetts—a foul blot, which, if I have any apprehension of common sense and common honesty, of righteousness and just dealing, future times will look upon with shame and with abhorrence!!

Result of Council.

Wareham, September 23, 1845.

Agreeably to letters missive from the Congregational Church in Wareham, an ecclesiastical council was this day convened in their meeting-house, at four o'clock, P. M., to hear and advise in relation to difficulties existing in said church.

Members present were,—

Rev. Elijah Dexter, pastor,	}	From the First Congregational Church, Plympton.
Dea. Lewis Bradford, delegate,		
Rev. Israel W. Putnam, pastor,	}	From the First Congregational Church, Middleborough.
Dea. H. G. Wood, delegate,		
Rev. L. Sheldon, pastor,	}	From the First Congregational Church, Easton.
Br. Barzillai Dean, delegate,		
Rev. R. S. Storrs, D.D., pastor,	}	From the First Congregational Church, Braintree.
Br. Asa French, delegate,		

Rev. D. Brigham, pastor, } From the Trinitarian Congregational
Dea. Morton Eddy, delegate, } Church, Bridgewater.

Rev. J. Bigelow, pastor, } From the Centre Congregational Church,
Dea. J. H. Clark, delegate, } Rochester.

Rev. Erastus Maltby, pastor, } From the Trinitarian Congregational
Br. C. J. H. Bassett, delegate, } Church, Taunton.

Rev. Silas Aiken, pastor, from Park Street Church, Boston.

Rev. George W. Blagden, pastor, from Old South Church, Boston.

Rev. Nehemiah Adams, pastor, from Essex Street Church, Boston.

Rev. S. Washburn, pastor, } From the Central Church, Fall
Br. Nathan Durfee, delegate, } River.

Rev. J. W. Ward, pastor, } From the First Congregational Church,
Br. L. E. Noyes, delegate, } Abington.

Rev. L. Cobb, pastor, } From the South Congregational
Dea. William Taylor, delegate, } Church, Rochester.

The council was organized by appointing Rev. Dr. Storrs, moderator, and Rev. Erastus Maltby, scribe.

The Rev. Mr. Dexter led in prayer.

Rev. Dr. Hitchcock, of Randolph, appeared as counsel for the sixteen members of this church referred to in the letters missive, and was accepted as such.

Rev. Mr. Nott, in behalf of himself and the protestors, and Rev. Dr. Hitchcock, in behalf of the sixteen members, presented various documents till ten o'clock, P. M.

Adjourned to meet in this place to-morrow morning at eight o'clock. Wednesday morning, September 24, met agreeably to adjournment.

Rev. Mr. Sheldon led in prayer.

The council heard documents and statements from Mr. Nott till twelve and a quarter o'clock, when they adjourned. At one and a half, P. M., the council met, and Mr. Nott resumed, and closed his statements and reading at five.

Dr. Hitchcock and Silvanus Bourne, Esq., in behalf of the sixteen, then offered statements and arguments till ten, P. M., when the council adjourned.

Thursday morning, eight o'clock, council met according to adjournment.

Rev. Mr. Blagden led in prayer.

Dr. Hitchcock and Esq. Bourne resumed their statements and arguments, and proceeded till ten o'clock.

Rev. Mr. Putnam led in prayer; then Mr. Nott continued in reply till half past twelve, at which time adjourned.

The council met at half past one, and united in prayer with Rev. Mr. Aiken.

Mr. Nott then closed his remarks; also Dr. Hitchcock, in reply.

The council being by themselves, united in prayer for divine direction, with Rev. Mr. Brigham.

After mature deliberation on the questions submitted to the council by the parties, there appeared no prospect of coming to a harmonious judgment.

The questions involved matters of very grave importance, in some

cases affecting not only the ecclesiastical, but the civil, rights of one or more of the parties, the results of former councils, and going back through the history of many years. Hence members of the council felt that they neither had, nor, under the circumstances, could obtain, the knowledge requisite to form a just decision. They have preferred rather not to express a judgment in the case, where they were liable to judge wrong.

The council therefore adopt the following as their result :

Resolved, 1. That this council can give no answer to the questions in the letters missive, which will aid the parties concerned in the restoration of harmony ; and they are therefore compelled to decline an answer to them.

Resolved, 2. That we hereby leave the parties concerned, upon the solemn and responsible duty of adjusting their difficulties in such way as their own judgment, and consciences, and the providence and grace of God, may point out ;—convinced, as the council are, that no further aid is to be expected by this people in these difficulties from any council in which the general diversity of views and feeling which is common to men in such controverted subjects should prevail.

The council therefore take their leave of the parties concerned, with the hope that mutual concessions will do for them what no human wisdom can effect.

In coming to this result, the council would express the deepest interest in this people and the Rev. Mr. Nott, and pray that the God of all grace and consolation will pour out his Holy Spirit upon them, inclining their hearts to one another, and to united efforts in behalf of his bleeding cause in this place.

Voted, That the above be adopted as the minutes and result of this council.

R. S. STORRS, *Moderator*.

ERASTUS MALTBY, *Scribe*.

On hearing this result, Mr. Nott spoke as follows, namely :

I heard out of doors that the sixteen brethren *had been sustained by a vote of ten to nine*, and I entered the house in the expectation of giving my six months' notice to the parish officers within an hour ; and, though I say it with all affection to the people of Wareham, I felt relieved from a burden. But, according to this result, the burden is still upon me. Now, before these brethren leave us, I must be, and I will be, understood. If this be the result of council, then I am under no obligations to resign my charge, and shall act hereafter entirely upon my own independent sense of duty. I now ask this committee if they are authorized to give me the vote I have named as the result of this council.

Mr. Putnam replied, . . . I believe we can give Mr. Nott something that will satisfy him.

Mr. Nott. I want nothing to satisfy me. I ask, Is there anything to govern me ? If there is, I submit according to agreement. If not, I shall use my freedom, and govern myself hereafter by my own convictions of duty. The result was then left as above.

PERIOD EIGHTH—FROM OCTOBER, 1845

Pastor's Notice and Declaration, October 26, 1845.

In order to test and settle our condition as church and pastor, I give the following notice and declaration :

By the leave of Providence, the Lord's supper will be administered in this house next Lord's day. The preparatory service will be on Friday, at 2, P. M.

This notice is given under the following explicit declaration, which will be taken as the guide for the future :

1. Under the vote of March 1, 1844, and the subsequent action therefrom, and especially under the request of April 27, and the declaration of November 1, 1844, co-action and fellowship with the sixteen brethren necessarily ceased, according to my papers, beginning with April 28, 1844.

2. On the reference to a mutual council, July 19, co-action and fellowship were restored.

3. The result of council, September 25, 1845, leaves me in actual charge on the principles I have hitherto declared, and under the judgment that no further aid from councils is to be expected.

At this point, in actual charge on principles explicitly and fully declared, if the brethren meet me in the word and ordinances, *then* I am bound to understand, and shall most gladly understand, *that they accept me in that charge, and on the principles in which I am left by council, and do withdraw the acts, request, and declaration which separated us before July 19, 1845.*

I do therefore announce the Lord's supper in course for next Sabbath ; and if the deacon provide and the brethren unite with me in the ordinance, after this declaration, *I shall administer on the understanding that the acts, request, and declaration, beginning with March 1, 1844, are withdrawn*, and shall continue co-action and fellowship, unless and until the brethren, or any of them, shall, by word or deed, signify their refusal of the basis here declared.

Most earnestly do I desire that this overture may be accepted ; that past difficulties may have no need ever hereafter to be named, and that upon us all there may be the fulness of the blessing of the gospel of peace.

October 31.

At a meeting held at the meeting-house on Friday, October 31, under Mr. Nott's notice of last Sabbath, Mr. Nott being absent from sickness,—

Voted, That a committee be appointed to wait on the Rev. Mr. Nott, and say to him that the notice given Dea. Bumpus requires some action of the church, and that he be requested to send the church records by the committee, that they may proceed to such action as they may deem necessary.

Mr. Nott's Answer.

Mr. Nott cannot proceed to any action with the church as including the sixteen brethren, except on the ground of his paper of last Sabbath, as it stands; and knows no meeting of the church as now in session, to which he can deliver the records.

Subsequent Communication.

Voted, That the sacrament of the Lord's supper be suspended until we can have a church meeting to see if the mutual concessions recommended by the council of September 25, 1845, can be made. . . .

A committee of six, of brethren not voting with the sixteen, March 1, 1844, was chosen to request Rev. Mr. Nott to notify a regular church meeting, "to meet in this house on Friday next, at two o'clock, P. M., to act on the mutual concessions aforesaid."

Pastor's public Declaration, Sabbath, November 2, 1845.

1. The overture of last Sabbath not having been accepted, it becomes necessary for me to declare my pastoral position to be as before July 19.

2. Henceforth it may be expected that I and the sixteen brethren will proceed under our separate claims, without confusion or interference. . . . I on *my* part having declined communion on their understanding, and *they* on their part now declining communion on *my* understanding, it is by common consent agreed *that there cannot be communion on contrary understandings* of the relation in which we meet; and we may be expected to remain hereafter in courteous separation.

3. It is proper for me to say, in my position as declared, that, with reference to the points before the late council, *I have no concessions to make.*

4. With reference to a request for a regular church meeting, signed by a committee,—

(1.) The pastor can take no action on the request of a committee who do not designate the body by which they are appointed.

(2.) So far as circumstances indicate the appointing body, it is one to which he allows no authority.

(3.) Any regular church meeting, called by the pastor, must be on the principles declared and acted on before July 19.

Wareham, November, 18, 1845.

Rev. Samuel Nott, Jr.: Dear Sir,—In your communication to us under date of November 2, 1845, you say,—

"The overture of last Sabbath not having been accepted, it becomes necessary for me to declare my pastoral position to be as before July 19."

We find, upon looking over the papers, to ascertain what that position was, you had made us certain offers, by a paper dated July 3, and other offers July 17, in which papers you enumerate eight other offers,

made previously, which we had not understood as offers; nevertheless, as you call them offers to refer certain questions to a mutual council, we hereby accept them all, and are ready forthwith to call such council, leaving it to your option to recall the last council, or to select a new one.

And we will further state that we now, as heretofore, offer you a general advisory council, who may hear every thing either party shall think proper to lay before them; and after a full hearing, they may adjudge the whole case, from 1828 to the present time; and as they advise, so both parties shall do.

Respectfully yours,

SILVANUS BOURNE, *for the Committee.*

Answer.

Wareham, December 1, 1845.

S. Bourne, Esq.: Dear Sir,—Various unavoidable claims on my time and strength, and the importance of being very exact in this answer to yours of November 18, have made the delay longer than I wished. I now answer as follows:

1. My deliberate and careful declaration of October 26, of the terms on which we could proceed as pastor and church members, was intended to express the only terms possible, and at the same time to make the way of return as easy as possible, if the brethren desired to take their place under my ministry.

2. When, instead of compliance with those terms, they proposed action in the church, with reference to a case to be settled, voted to suspend the Lord's supper until a church meeting could be had to see if mutual concessions could be made, and to request a regular church meeting for that purpose, it became necessary for me to declare my pastoral position to be as before July 19; that *I* had no concessions to make in the matters lately referred; and that I could call no regular church meeting, except on the principles declared and acted on before July 19.

3. In declaring my position to be as before July 19, when I agreed to a mutual council, I did not thereby agree to another. An offer to go to a mutual council is not an offer continued after that very council has been had.

4. Those who stand upon the result of *ex parte* council, and their own papers preceding and following, had not before July 19—much more have not now—any claim on me for a mutual council at all. Much more still have they not, after their declaration before the late council, on the supposition of their “confirming Mr. Nott as minister,” that “they cannot again acknowledge him as their pastor,” thus withdrawing the main question submitted, and rendering further arbitration impossible.

5. There are no reasons whatever for any further councils between us, and I hereby decline the proposals of your letter, and all further reference to council, with the sixteen brethren. The time has come for them to enforce or retract their measures; and if they do neither, for that “courteous separation” which I may then most rea-

sonably expect. . . . I decline, too, all further correspondence in the matter. The time spent hitherto in preparing papers, and meeting councils, I believe has been spent aright; but I see no reason for being diverted any longer from the direct and all-important labors of a Christian pastor.

6. In thus closing our correspondence, I have a final appeal to make. . . . The *printed memorial, &c.*, before the late council, has made it necessary for me to print the documents belonging to the case. I hope in a few days to present each of these brethren with a copy; and I beseech them to compare their memorial and the documents Nos. 1 and 2, before the council of 1840, with *my* documents, and with all my printed works, and my whole doctrine and character *as they know them*, and then to ask themselves *if they are willing to live and to die* by their own documents and doings, and against *mine*, and against *me* as a Christian man and a Christian minister? Whether they *dare* any longer maintain, before God and man, not only their unwarrantable position, but their unaccountable statements? . . . Passing the papers of 1840, and omitting much in the memorial of 1845, I ask with all solemnity and with all kindness, *dare* these brethren before this community—before the churches of southern Massachusetts—nay, before the Christian public, (where they have forced me to stand,) and before God, maintain the unaccountable declarations of their printed memorial—of *coming out against all revivals*, in a discourse printed six years ago, and widely circulated among us, in which there is not one word against revivals, but which is an earnest appeal for an immediate, large and enduring revival, on the most evangelical principles: (see p. 12,)—of *a six months' notice* in 1837, and of *its being reconsidered on his very earnest appeal*; when that notice bore on its face the proposal of continued service, was always understood as never intended to end the relation, and was re-considered on the decided and manly refusal to retain the pastoral office on the tenure proposed: (see pp. 21-24,)—of a council, in calling which the applicants for dismission *chose no part*, when they were offered and accepted the choice of *one half*, without being bound to abide the issue: (see p. 43,)—that *the church did not dismiss them, but Mr. Nott did*, when the vote of the church referring the question, and the vote of the council deciding the question, *did dismiss them without any further vote*; and when the pastor declared *that* to be his understanding, publicly, in answer to the question of the moderator, Dr. Robbins, when the result of council was read, February 26, 1840; and when the report of the pastor, that he had issued certificates, was received without objection, and when he believed and now believes that the dismission, though regretted, had the unanimous assent of those who remained:—of *a serious conflict for orthodoxy*, when the preaching of successive years lies before themselves and the public, in the most orthodox printed discourses:—of *a deliberate dismission of the pastor by the parish, March, 1842*, in face of a deliberate provision for him “as pastor” for the whole year 1842, and of provision continued to the close of the year 1845: (see pp. 58-75, and 162,)—of *insisting upon a council of his own selection*, when in express and written terms, he insisted only on *selecting one half*, and that half comprising *three out of seven* of the council they proposed to recall, and leaving them the privilege of choosing the remaining

four : (see p. 101,)—of *requiring a certificate, the effect of which was that they must always be satisfied with him*, when the express terms were an acknowledgment that the votes of February and March, 1844, were not in accordance with the agreement of December 20, 1843, and that their claim, that that agreement did not regard *past* grievances with the preaching and procedure of the pastor, was groundless; i. e., when the certificate required nothing for the *future*, but confined itself to the *past* : (see p. 103,)—that the vote of March 1, was *after* this requirement of certificate when it is under date of March 17, and regards the vote of March 1 itself : (see p. 101,)—of *preaching on a compromise*, after the *ex parte* dismissal, when all compromise was instantly, utterly, and publicly rejected, under the explicit declaration that the pastoral office was continued *solely* on the ground of 1829 : (see p. 116,)—of *prelatic power and oppressive and injurious acts*, when no power had been exerted, save what belongs to the humblest individual in his appointed sphere and place, that of *refusing to act in a false character*, to deny himself, to be two opposite men at once, at the bidding of power more than prelatic, and under whatever oppression and injury : (see pp. 141 and 145,)—of a *greatly reduced number of hearers* :—of *total prostration* :—of a *parish of thirty persons incompetent to support*, when the number of resident church members in 1844 (including the late Trinitarian) was equal to those of 1829,* notwithstanding hindrances manifestly keeping back many promising candidates; when the collections for the support of the ministry, for the last five years, have equalled those of any other five years since 1829; and when the actual attendance on public services, Sabbath after Sabbath, and year after year, has been large and full, exceeding any other in the Old Colony association, excepting one, and possibly two;—when the number of hearers is *not* greatly reduced :—and, lastly, of a *Unitarian society just now organized*, and of Mr. Nott's being left with it, by the last council, when none of the inhabitants ever heard of such an organization before; when the meeting of March 9, 1844, supposed to be intended, was on the request of respectable and orthodox parishioners, including the deceased deacon, of unblemished orthodoxy and unblemished excellence, and when the call was in due form of law, for "the legal voters of the First Congregational parish" : (see p. 101,)—the *whole*—as the *part* in 1838—as *unaccountable as if the minister were charged with being two feet shorter than he is seen to be in his daily walks before the eyes of the people* ! Dare these brethren any longer maintain these unaccountable declarations, and their unwarrantable proceedings thereon ? Can such dreams bring forth any real good to themselves or the church and people ? Can they prove any thing less than delusion, and ruin to those who shall proclaim and act upon them as realities ? Is truth, is orthodoxy, is piety, is salvation, is the church, to be thus promoted ? Nay, more, if, from my youth up, I have sought to be a true and faithful minister of Christ, and have maintained the character of a true and faithful minister until my fifty-eighth year; and if, as the minister of Wareham, my faith has not been suffered to fail in the promise of the Saviour, "Lo I am with you always,"—then I ask, *Dare* these brethren any longer attempt, on unaccountable assertions, and by

* See p. 96.

unwarrantable measures, to carry a point which may bring them under the warning of the Saviour,—“He that despiseth you despiseth me, and he that despiseth me despiseth him that sent me?” True, in the language of 1840, it is hard to go back ; it is hard to say, I have done wrong ; but it is harder still to continue to do wrong. . . . If they have taken the wrong course, there can be no true prosperity but in leaving it. . . . They know that I have lived with them only in friendship. Let them receive the honest earnestness, and even severity, of this communication as the faithful wounds of a friend.* Praying that God may incline your hearts to what I believe is your only true and safe course, and awaiting the event, I remain, as when I first met you,
Your true and faithful friend,

SAMUEL NOTT, JR.

To the People of Wareham.

In closing these documents, and looking forward to the future, I repeat from my public communication of October 6, 1844. . . . “No doubt our condition and circumstances are such, that human foresight is at fault. *I frankly say, I see no light : I am as much in the dark as you are.* ‘We see not our signs, neither is there any among us that knoweth how long.’ But here the great principle meets us,—There are no circumstances so discouraging, there is no condition so hopeless, as to mar or destroy the assurance of grace and power ‘exceedingly abundant *above all that we can ask or think,*’ the power and grace unfolded in all the wonders of the past, which every day and every night, every summer and every winter, declare to weak, ignorant sinful man.”†

When that grace and power shall be manifested, I pretend not to say. With faith and with fidelity as a Christian man and Christian minister, I desire to commit the future unto God. If my course be right, he will yet make it prosperous—as bright as it is right. There must be and there will be deliverance—a blessing on me and on this people whom I have earnestly and kindly endeavored to serve. May it soon be seen in the vigorous and large growth of righteousness and peace, in “all things that are true, and honest, and just, and pure, and lovely, and of good report.”

Blind unbelief is sure to err,
And scan his work in vain :
God is his own interpreter,
AND HE WILL MAKE IT PLAIN.

December 5, 1845.

* See p. 56.

† Ps. lxxiv. 9—17; Eph. iii. 20.

APPENDIX.

[Reprinted from the copy laid before the Mutual Council, September 23, 1845.]

*A Memorial of the First Church in Wareham, to the Rev. Pastors and Brethren assembled in Ecclesiastical Council.**

REVEREND AND BELOVED :—The church of Christ in Wareham address you in grief and distress inexpressible ; their church order is disturbed, they are without Christian ordinances, and the cause of religion languishes and declines. We desire to lay before you a true and exact statement of the facts which have led to their present condition, and to exhibit to you what their condition is, so that you may perceive why it is that they call upon you to do for them what a Congregational council can do in strict accordance with the Congregational Platform.

We appeal to you that the Rev. Samuel Nott, junior, is not the pastor of this church ; that he has been dismissed from being their pastor, by a vote of the church and by an ecclesiastical council duly convoked according to Congregational usage and the Ratio Disciplinae ; and that, by continuing to claim still to be our religious teacher, he is plunging the church into troubles of the most serious kind, and is destroying the cause of orthodoxy in this place ; and we not only claim that he is not our pastor, but that, if he were so, his proceedings, in respect to the church, are altogether unparalleled in the history of Congregationalism, and most oppressive and injurious to the church.

We ask of the council a candid and careful attention to the facts which we shall state, and their unbiassed and best advice thereon.

And first the *procedure and preaching* of Mr. Nott had been such that the number of his hearers was greatly reduced, his religious services had become uninteresting, a large portion of the church became disaffected, and the parishioners had fallen off, and many others did not pay their taxes, whereupon it became necessary to look back into the condition upon which he was settled among us in the work of the ministry.

When (May 25th, 1829) the parish voted to concur with the church in giving a call to Mr. Nott to settle among us, they also "*voted that the condition under which the parish agree to settle Mr. Nott, are that Mr. Nott shall have the liberty of dissolving the contract by giving the parish six months' notice, and the parish reserve the liberty of dissolving the contract by giving Mr. Nott six months' notice.*"

In the year 1837, the parish, finding itself thus embarrassed, gave him the notice, which they had reserved the liberty to give him, and the six months were nearly elapsed, when upon his earnest appeal, the vote of the parish was reconsidered.† But March 7, 1842—the parish again "Voted that the First Parish in Wareham give the Rev. Samuel Nott, jun. notice, that his connection with said parish be dissolved at the end of six months from this date, and after that time he is to look to the subscribers who have or may subscribe to his support for future compensation for parochial services."

The parish then chose a committee whom he recognized as official and with

* See p. 153.

† See pp. 23, 24.

whom he corresponded, and both parties understood that the original contract was terminated, as his receipts will show,* and a new offer proposed to him, "that he should receive what was subscribed and no more."—This he admits when he says, "It is accepted and that the avails of your subscription whether less or more must be received as my whole claim until I shall give you a *six months' notice to the contrary*." He further says in his letter, "I trust that, as on a former occasion, your parish will be able to resume its original contract. I have waited from the date of my letter for the information referred to, and at length came to suppose that it would be officially given on the full view of the case, which must, of course, come before your annual parish meeting. Receiving, however, no communication therefrom, my only resort was to the parish clerk. To my great surprise this application resulted in the information that no order was taken, or vote passed on the subject at all; and that our relation stands as it was left by the vote of the parish, March 7th, and my letter July 29th, 1842. So that, what was a temporary consent, until the parish could give definite information, stands as the beginning of an indefinite and unlimited agreement. In this state of things, inadvertently on the part of the parish as it may have occurred, I have no alternative, whether in view of my own necessities or the welfare of the parish, but to give the *Notice to the contrary* (named in the above extract,) and to request that a parish meeting may be called without delay for the following purposes, viz: To receive a communication from the pastor in reference to the relation of pastor and parish in consequence of the vote, March 7th, 1842. To see whether the parish resume their original obligation, from Sept. 7th, 1842, the date at which that obligation ceased."

Thus he admitted his contract with the parish had ceased, and of course his only tie was with the church, this, April 20th, 1843, he intended to close in six months unless the parish should renew their original contract; for he says, "of course, unless you see cause to check the operations of my letter to your committee on the 20th of April, my obligation to serve you must end on the 20th of October."

The parish met upon the aforesaid request of Mr. Nott, May 1st, 1843, and considered the matter with great deliberation till sun set—then adjourned the meeting a month, when they met again and after much discussion came to the conclusion that they would send him the subscription book and tell him that was all they could do for him. A committee went, and on their return, reported to the meeting that, "they had offered the subscription and he had refused it, saying the original contract or nothing—where there is a *will* there is a *way*." This report was fully discussed, and without further action, *the meeting was dissolved*.

These two meetings were well attended, and the whole subject was fully discussed and the determination to let his notice run seemed to be fully understood by a large majority of the meetings.†

At the annual meeting in 1843 the officers were chosen, but no officer was sworn—nor had the parish assessors been sworn, the year before.

About this time, a party sprung up, the leaders of which had not before aided to support the minister, and who seemed determined to keep him, not that he might do good, but, that he, in their hands, might be made an instrument to do evil and aid them in their sinister motives—at least those who had done most in times past for the promotion of religious instruction, the friends of orthodoxy, at that time *thought* so, and in self-defence stood upon their legal rights, when July 31, 1843, these leaders induced the parish assessors who were not under oath, to call a meeting to renew the original contract.

We went to the meeting, and when it was opened, S. Bourne arose and addressed the moderator, saying in the hearing of the whole meeting, that he "protested against the legality of the meeting, and that all their acts would prove null and void—that he should not vote at the meeting, and presumed those who thought as he did would not vote." One of these leaders, who was not a member of the parish, replied—"We did not come here to-day to *talk* but to *act*, and I hope we shall proceed and do the business of the meeting," and then this vote was put, viz:

"That the parish resume their original contract with the Rev. S. Nott, jr. except we give him \$700 instead of \$800 per year, provided he will accept the same."

The meeting was composed of about thirty or forty persons, many of whom were not legal voters, and about one third voted, among which were many who were not parishioners; and when the opposite vote was called no one voted, we choosing to rely upon our legal objection.

About two months after, S. Bourne asked Mr. Nott, if he had not been informed

* See p. 58.

† See pp. 71-74.

that the last meeting of the Parish was wholly illegal, null and void; and he said no one had told him of it; said Bourne replied, then I feel it to be my duty to tell you that it was altogether illegal, and its acts null and void."

When in the spring of the year the church requested the parish to act in this matter, the officers replied that they had lost their legal existence and could not act. Whereupon, the church voted to concur with the parish in the vote of March 7th, 1842, and with the notice of Mr. Nott of April 20th, 1843, and to unite with the several parties in calling a council for his dismission. The offer of such a council was made by the church to Mr. Nott, who declined uniting with them to call one, and the assessors denied that they were legal officers and declined acting. Whereupon the church called an *ex parte* council for that purpose, who heard the parties at great length, and unanimously voted, that the pastoral relation between Mr. Nott and his church ought to cease, and that it was dissolved. The result and proceedings of that council are hereto annexed, and we pray that they may now be read. (See p. 113.)

Thus Mr. Nott is no longer pastor of this church. This church have dismissed him, which by the Congregational platform they had a right to do; they have dismissed him *in the way* provided by the platform. They gave him the offer of a mutual council, and he refused to join in such council. They then convoked an *ex parte* council, according to the provisions of the platform, and that council have advised and announced his dismission, and the church have concurred and dismissed him. He is no longer our pastor, and we do not acknowledge him as such. He has since preached by reason of a compromise which was made for six months, (which time has expired,) which compromise has been broken, as will hereafter be mentioned.

Here the church might stop; but as Mr. Nott claims still to have a legal connection with the parish, and makes this claim in such a way as to operate as a great grievance to the church, we here annex the opinion of gentlemen learned in the law, to whom we submitted the foregoing facts, and which we pray may now be read. (See p. 189.)

We hope the council are now satisfied that Mr. Nott is not only not their pastor, but that the connection between him and the parish is also fully dissolved.

The church know that there is a body of people here, numbering about thirty persons, who call themselves the First Parish, and who pretend that they are willing to support Mr. Nott, and to abide by the original contract with him. But that is an organized body with which this church have no fellowship in religious sentiment, nor in their measures, nor do they acknowledge them to be the first parish in Wareham, and if the council should suppose them to be so, we declare that we do not and shall not act with them.† We do not believe that any of its members will say that that society can pay the stipulated salary to Mr. Nott. They have made an assessment and included the other parishioners in the tax, but they have not paid it, nor do we believe any person supposes they will ever pay.

On the day of the dismission of Mr. Nott, (the council having made their proceedings public,) Mr. Bourne was called on by twelve of the principal members of the Society friendly to Mr. Nott, and requested to make an offer. He told them if they were desirous of peace, he would make them a proposition which might reconcile the whole matter, and they said, "say on." He said, "we will invite Mr. Nott to occupy the desk and administer the sacred ordinances; the church would attend meeting, and pay their proportion of the debt and expenses, if you will call a parish meeting as soon as practicable, and give him his six months' notice again, and dismiss him with such ceremony at the end of six months, as you and he shall please—the money to be paid when he is dismissed." To this proposition they unanimously agreed, and a meeting of the Society was immediately warned for the purpose. Mr. Bourne gave satisfactory security for the money, and he and the assessors waited upon Mr. Nott and informed him of the arrangement; and all supposed every thing would be amicably settled in six months. But by some stratagem or accident the vote was awkwardly drawn, and voters getting a little restless, would not alter it. Dea. Crocker proposed to amend it, so as to read "with the advice, &c.," instead of "if the mutual council so advised," but all parties said it meant he should go away at the end of six months; and he said to his church on the day the council was called, he had not a doubt but he should be dismissed;‡ the vote was in these words: "Whereas we regret the difficulty that exists in the church under the pastoral care of the Rev. Samuel Nott, Jr., feeling great reluctance in taking

* See Protest, p. 105; also pp. 156—163.

† See p. 101.

‡ See p. 127.

any action in dissolving a contract between him and the parish, at a time when seven eighths of the parish are actually in favor of retaining him as their pastor, if we could have the aid of those who have become dissatisfied with his preaching and procedure, but, under all circumstances, and in hopes of peace in the society, this parish have come to the conclusion to pass the following vote :

Therefore, voted, to give the Rev. Samuel Nott, Jr. notice, that his connection with this Parish be dissolved at the end of six months, if a mutual council so advise.

By this vote, no doubt, a *mutual council*, to be called by the church and Mr. Nott, was contemplated, but no such council was called. Mr. Nott called a council of his own selection,* to which he had the assent of the few brethren in the church who were attached to him; but he carefully excluded the action of the church in the matter, refusing to permit a large majority then present to vote at all on the occasion. When the council assembled, he made several very elaborate discourses before them, in justification of a number of proceedings and measures on his part, concerning which he supposed there had been dissatisfaction, and statements in respect to the conduct of the church, and especially nine of the brethren not parties to the council, which, in the opinion of the church, he ought not to have made, impeaching their conduct and motives (unjustly, as we think,) and on an occasion when he was not warranted so to do, either by ecclesiastical usages or by the laws of the land. They were not in a course of church dealing; they had not submitted their case to the tribunal where he impeached them; they were not there to answer; and if, on such occasion, things are said injurious to character, the law is open for redress, and ecclesiastical tribunals, which are obliged to sit and hear, cannot but perceive that the law of Christian love is violated. The church were present, and their grief on this occasion was very great; they felt wounded in the house of their friends, "and they perceived that the council were not aware of the peculiarity of their situation, and that they probably would unwillingly imbibe or receive a bias, if not an ill opinion of our brethren without considering the leading maxim of doing justice, "*audi alteram partem*." Our brethren, the council will now find, as we think, had committed no ecclesiastical offence, broken no agreement, but had throughout conducted properly and conscientiously. The church could do no more than to hand in to that council a paper, informing them that they had had no opportunity to become a party to the council contemplated by the vote, and were not permitted to vote on the subject. The proceedings and result of that council, whatever they may have been, should have no weight whatever in the deliberations or result of the present council. The members of it are not at all responsible for their opinions or result which they then entertained, in view of *ex parte statements*;" and those of them who are on the present council, are as free now to give the proper advice as they would have been if they had not heard those statements and come to that result, and the church expects to witness in them the same candor and impartiality as we should witness in them if the case were entirely new to them. A council, in accordance with the last mentioned vote, is now for the first time convened. That vote refers to a mutual council, which has not, till now, been convoked. We would farther say, that we consider that council called by Mr. Nott as an assembly of his brethren, called by him to give him advice upon his own statements which he wished to make to them, and not a council of any kind prescribed in the platform, and the result not at all binding upon the consciences of the church or others not parties to it.

As soon as Mr. Nott obtained the result of his council, he gave notice that he should administer the sacrament to such as were in the acknowledgement of the pastor as settled in 1829. The church met, and Mr. Bourne informed Mr. Nott that as many as eighteen male members of the church as could make it convenient to attend the sacrament on the Sabbath, would do so with the understanding that Mr. Nott was the *invited pastor* and *not the settled pastor* of 1829.

On the Sabbath they presented themselves as usual in their seats before the table, and Mr. Nott read what we call a *severe paper* to them, and requested them to withdraw, with much warmth—however, feeling that they were sitting at *their Lord's table, in their own house*, they held their peace and sat still, while he rejected their deacon and appointed a person to perform his duties, who passed by all the male brethren except the favored eight † The leading reason which he gave for this course, in a paper which he read to the church, as we were enabled to

* See pp. 121—127.

† See pp. 141—147.

understand it, was that instead of being dismissed from his pastoral charge by the proceedings of the council and the vote of the church, he thought those members who voted for his dismission had in fact dismissed themselves from him.

This proceeding was kept up three communion seasons, when the death of Dea. Crocker brought out the following notice :

"In consequence of the lamented death of Deacon Crocker, the Lord's supper for July will be omitted." "It is needful further to give notice, that unless the reference to a mutual council, under which the pastor's declaration was made August 30th, 1844, ten months ago, be accepted, it will be indispensable soon to make the arrangement which will then be needful for the regular administration of ordinances and church affairs."

Upon this notice a committee called upon Mr. Nott the next day, and asked him what he meant by "reference to a mutual council," and he said he offered us a council, August 30th, 1844. The committee told him they had received no offer; they had heard him read a paper at a meeting where they were told they had no right to be, and that he should not allow them to act or speak, but had supposed, if he intended to make them an offer, he would at least have furnished them with a copy; but, passing that over, their present business was to inform him that they always stood ready to submit their affairs to a mutual council, and wished him to put upon a paper what he was willing to submit. This drew from him the paper referred to in the letter missive dated July 3d, 1845, upon which we are now assembled. Since the issuing of the letters missive, Mr. Nott has opened the communion to the whole church, and the deacon whom he rejected, as before mentioned, again distributed the elements.

Upon these proceedings we make our appeal to the council: That this church is a Congregational church, and the rights and privileges secured by the Congregational platform are considered by us as very sacred and are very dear and precious in our eyes. We complain that Mr. Nott in his proceedings, which we have now mentioned, has set this platform at naught, and deprived us of the most important rights and privileges belonging to us as a Congregational church.

In obedience to the commands of Christ, "we have subjected ourselves to the order and ordinances of the gospel, that we might have communion with one another to mutual edification, and have been constrained to the performance of such duties as do conduce to our mutual good, both in the inward and the outer man, and to maintain a holy communion in the worship of God and attendance upon his ordinances. Plat. C 4 and 27.

By the platform, "the power of privilege belongs to the brotherhood, the executive power only belongs to the pastor, and even this he derives from the brotherhood. Chap. 5.

By the platform, the admission of members to full communion, and the removal of them from this communion, belongs to the body of the church—the brotherhood, and not to the pastor, who is to convoke the church, maintain order, dismiss them when the business is ended, receive accusations and pronounce the will of the church touching the same; and the power of judgment in matters of censure, and the power of liberty in matters of liberty remaineth with the brotherhood, and the power of the elder doth not prejudice the power of privilege in the brotherhood. Chap. 10.

The laws of the State passed in 1679, and which have not been repealed, provide "that every church hath free liberty of admission, dismission, and expulsion of their officers and members upon due cause, with free exercise of the discipline and censures of Christ, according to the rules of the word. Anct. Chart, 101.

By the same authority, it was "ordained and enacted that by the church is meant those in full communion only." Ibid, 104.

By the Ratio Disciplina, Sec. 55, the opinion expressed by a majority of the votes in the church is considered to be the opinion of the whole: and all the members of a church have an equal right to express their opinions and vote, excepting females, who do neither, and the vote of a minister counts no more than that of a private person."

The majority of the church in Wareham complain, that Mr. Nott has violated all these principles, and persists in his right so to do *to members in full communion*.

He has denied the privilege of expressing their opinions and voting at the meeting of the church on important occasions, and indeed denied to them this privilege altogether.* He has disregarded the fundamental principle of Congregationalism

* See pp. 122—127.

by treating the members in full communion as members under censure or out of the church, taking upon himself the power and responsibility of putting them, if not out of the pale of the church, yet out of the privileges of the church, at his own free will and pleasure, more in the character of a Prelate than a Pastor.*

A large majority of the church have been greatly aggrieved by these proceedings, and feel that they are under ecclesiastical domination, deprived of all the comforts of the outward ordinances and all the privileges of ecclesiastical action; that the platform on which they stood is taken from under their feet, and left them "between the heavens and the earth," neither in the church nor out of the church; not under censure or excision or accusation, yet treated like culprits who deserve to be cut off, by one, who, if he shall be adjudged their Pastor and justified in these proceedings, is likely to assume to himself the only remaining power which he has not assumed, the prelative power of excommunication.

The council will consider whether they will stand by and see a Congregational Church in this affliction and oppression and not interpose. After diligent inquiries we have not learned that any minister who has borne the name of Congregational, in Massachusetts, has suffered himself to proceed, or been permitted to proceed to the extent to which Mr. Nott has proceeded. If he is to be justified, then the affliction, grief and prostration of the Wareham brethren, is but the beginning of sorrows; relative power will supercede the power and privileges of the churches, and an order or sect not yet known among us, will claim to be founded on the rock of the Pilgrims, which shall submit all the ecclesiastical rights and privileges of its members into the hands of its pastor.

We now propose to state the facts which relate to the *ten brethren*, who, Mr. Nott thinks, have not done right, but who, we think, have, in everything relating to his ministry, conducted conscientiously and properly, and have been guilty of no ecclesiastical offence whatever; but contrarywise, have been cast into perplexity and distress which call for all the sympathy of all their brethren in the Lord. We mean *concisely* to state the *whole story* and all the facts with the most religious fidelity.

We feel bound to say that the church were disappointed in Mr. Nott, and that soon after his settlement it became manifest that, however he might be useful in other places, he could not be useful in Wareham. He came highly recommended, and we were informed that we must take him without much trial or lose him. He was settled here before we were aware of his peculiarities.

For two years, there seemed to be religious prosperity and we had hope of his usefulness. The Unitarians and Universalists had fallen out with the church about the meeting-house, and withdrew, and the cause of religion seemed to prosper—many began to inquire what they should do to be saved and many gave evidence of a true change. Some of the most active members of the church at that early day, said, "Mr. Nott appeared not to know how to manage a reformation; but thought he would soon learn;"—but when intelligent new converts began to converse with him, they could gain no satisfaction concerning what they valued dearer than their lives, the *new birth*; he gave them no light but seemed himself much confused; and while they were rejoicing in a hope which the brethren thought well grounded, he said, "throw it away; no person could tell whether he had obtained religion or not, and it was of no consequence to know it."† This put the truly converted man into great confusion, and it put the awakened sinner back again into the world, where he has ever since stood, extolling Mr. Nott, because he don't believe in revivals, &c. Others saying they were now willing to support Mr. Nott, for he was no *reformationist*, and was opposed to four days' meetings.

We do not say Mr. Nott intended to give these impressions, but we do say that he did give them, and we think he did not sufficiently labor to remove them. The consequence was, the Methodist and Baptist ministers were called in, and they gathered into their churches very many of the new converts; this gave our church serious alarm. We felt no disposition to oppose them, but it was trying, to have our children and near friends leave our meeting because they could not understand our minister or get any satisfaction from his preaching or conversation.‡

Another consequence was the Unitarians and Universalists flocked to our meeting, and we found it easy to fill our meeting house and pay the minister, and this, for a time, seemed to quiet things, although the most thinking church members were severely tried. One deacon and several other standards forsook the meeting. A year or two after, there was another awakening in town, and our church met

* See pp. 141—147.

† See p. 6.

‡ See p. 66.

together and sent a committee to Mr. Nott to request him to increase the number of his meetings; his excuse for not doing so was his want of health—they then asked him the privilege of calling in neighboring ministers, and he answered, “this will *undo* what I have been trying to *do* for several years.” Deacon Perry, hearing of the awakening in Wareham, came here, returned, and sent Mr. Holmes of New Bedford, who went to see Mr. Nott and went home again, and the church stood amazed and discouraged. We have since learned from Mr. Nott, that Mr. Holmes told him that the *stand* he had taken against his church would occasion his dismission.*

In 1834, Mr. Nott preached what has been called his *trumpet* sermon, and came out openly against all revivals, as we understand him,† but which he afterwards qualified to mean *spurious* revivals—but it would require more than ordinary intellect to discern where he would draw the dividing line. Other circumstances may show what his real sentiments were.

Mr. Nott reduced the number of his meetings, and told a brother he did not like to have the brethren attend the East Wareham meetings, because it might prevent the people attending his own meeting on the Sabbath.

He often used expressions in his preaching which we thought favored Arminianism. The counsel of 1840 considered this as not sufficiently proved, although the church still think as they did before, and that he has since used similar expressions. His meetings were very much reduced in number, and the consequence was, it became hard work to raise money to pay his salary.

In 1837 the parish became so much embarrassed that they voted to‡ give him the six months’ notice, but his very earnest appeal induced the parish a few days before the six months’ notice expired, to reconsider the vote.

Since 1837, we have had continued trouble in obtaining the minister’s salary.

In 1837 we were in debt	\$200
“ 1838 our tax was \$800 and we fell in debt	100
“ 1839 “ “ 800 “ “	200
“ 1840 “ “ 800 “ “	250
“ 1841 “ “ 1,000 “ “	300

In 1842, we found the parish debt increasing and more than \$1,000 on the tax books unpaid, and no one dared to collect them; and as a parish we then deliberately dismissed the minister as before mentioned.§

In 1837, ’8 and ’9, the church and Mr. Nott had much controversy, and his opponents increased daily. January 11th, 1840, a church meeting was called at which he and his friends voted to have a council to try his doctrines, to see if he was Orthodox—his opponents insisted on a general advisory council, to hear every thing, and advise all concerned.|| Upon this question the vote stood 13 to 13; some did not vote. Mr. Nott called upon a brother to vote, and his reply was, “I see we are a going to get into trouble, and I will not vote.” Whereupon, Mr. Nott, as moderator, gave the casting vote in favor of his own views, that the council should be restricted to his Orthodoxy, and both parties to be bound by the result. To this vote his opponents would not agree; they were now called the aggrieved. At the same meeting the church passed eleven resolutions admonishing the aggrieved of their error and threatening them with further severe censure.¶

Feb. 2nd, 1840, the aggrieved members requested a church meeting for the purpose of dismissing them, that they might be organized into a church by themselves. At this meeting, further votes, tending to wound rather than heal the feeling of the aggrieved members, were passed, and a council offered which should be binding to both parties. This they refused, and the church, by the casting vote of Mr. Nott, called an *exparte* council.** The following is the substance of the letter missive.

1st. Whether the original grievance on record in the former doings of this church, viz; the preaching and procedure of the pastor, be a good and sufficient reason for dismissing these members to be organized into a church by themselves.

2nd. If the former question should be answered in the negative, then to decide whether it be expedient without good and sufficient reason for their original grievance, to dismiss them to be organized into a church by themselves.

3d. If the council decide in favor of their request for either of the above reasons, —then to organize them accordingly, leaving the minutes of the council to be placed on the records of this church as consummating and authenticating their dismission and organization.”

The council met Feb. 25th, 1840: and although the aggrieved chose no part of

* p. 81. † p. 12. ‡ pp. 21–24. § pp. 53, 150–163. || pp. 25–38. ¶ p. 33. ** p. 40.

the council, yet they appeared before it, and told their story, though poorly.* Mr. Nott went elaborately into his defence, and had several questions tried which no one asked, he accusing and then defending, and insisting, since these questions had been tried, they should not be tried over again.

Notwithstanding all these disadvantages, the aggrieved succeeded. It is true the council said the charges against Mr. Nott were not sufficiently proved, and that *they* should not set the aggrieved off and organize them into a church by themselves; but they recommended that the church should do it if they persisted in their request.† They did renew their request, and although the church did not dismiss them, yet Mr. Nott *did*,‡ without the aid of the church (which seems to us assuming power contrary to Congregationalism,) and a council upon their call set them off in a church by themselves. They were twelve males and several females.

Some of our church, friendly to the aggrieved, were absent, but expected home, and others were making preparation to make an earnest appeal to these brethren not to separate, and felt prepared to rescind some of the obnoxious resolutions, if they could prevail upon them to stay and enjoy or suffer an equal share of our privileges and burdens; when to our surprise they were already dismissed without our knowledge or agency. This course of proceeding and the decision of the council, began to operate seriously upon the parish, and in 1841 a legal tax for \$1,033 was assessed, and one third of it could not be collected without losing the parishioners, the most of which deficiency still stands against the delinquents, unpaid §

It could not well be understood how a body of men unfit to belong to one church should be fit to constitute another, and this other be in fellowship with all the churches. The effect was to destroy the influence of both churches, and in our opinion operated greatly against the cause of religion. Our minister appeared to be the only one at ease—he reduced his extra meetings to almost none||—made few exchanges, and we had his extempore lessons often six, but generally four weeks¶ upon one subject until his parishioners became dissatisfied and would not pay their taxes, and gave him notice of the dissolution of their connection with him as before mentioned.**

It now became apparent, that we should have a serious conflict for Orthodoxy. Our minister forsook the houses of many of his old Orthodox friends, and frequented those who had previously opposed his preaching, and paid nothing towards his salary. The church now began to think seriously of their danger. All agreed that the separation of the church in 1840 was a mistake, and it was pretty generally agreed that it was best for them to return. The members of the Trinitarian church (this was their name,) having seen the members of the old church, had a meeting and unanimously petitioned to return to the old church, and Mr. Nott and the church expressed pleasure at the overture. Their petition was presented at a regular church meeting Sept. 8, 1843, and a motion was made that it be granted. But there was opposition; Mr. Nott insisting that they ought to approve of his *preaching* and *procedure* or not enter the church.†† We had supposed that the church admitted members upon equal terms, or rejected them; but Mr. Nott presented a different doctrine, and we are sorry to say *just half* of his remaining church believed it, and so the petition was rejected.

Mr. Nott then offered seven resolutions as the basis and terms of reunion, which the church thought proper not to adopt, though we find them on record—but the church did vote “That the request of the Trinitarian Church be referred to a mutual council to examine the records of this church in reference to their dismission, and to make such inquiries of both churches and of the Pastor of this church as they should see proper, and if they should see good cause, dissolve the Trinitarian Church and incorporate its members with this body.”

This vote the Trinitarian Church did not accept, and Oct. 20th, 1843, the church met, and it was moved to reconsider the vote of the last church meeting, referring the request of the Trinitarian Church to a mutual council to receive them on their being dissolved and recommended by such council as they might choose; this vote was lost 8 to 8, the Pastor casting the moderator's vote against it.‡‡

Nov. 24, 1843, the church again met, and the vote of Sept. 8th was reconsidered, and the following vote was passed: “That the request of the Trinitarian Church be referred to a mutual council to examine the whole matter according to their judgment, and if they see good cause, then to dissolve the Trinitarian Church and incorporate its members with this body.”

* p. 44.

† pp. 43, 44.

‡ pp. 47, 172.

§ p. 22. ¶ p. 95, (6.)

¶ p. 118.

** p. 58—75.

†† p. 75.

‡‡ p. 77—83.

Dec. 20, 1843, the council met, and Mr. Nott brought all his records and documents and began to read. He was called to order, and the reading was stopped on recurring to the letter missive, and the council then went into oral testimony. Among the questions asked were these: "Do you wish to return to the church irrespective of Mr. Nott?" *Ans.* "We do." "Why? Has anything been altered since you wished to go away?" *Ans.* "Some things are altered and others are not—the majority of the church which threatened our excommunication has altered—our views of Mr. Nott have not."

After some time spent in asking and answering questions, it was very apparent the council were inclined to unite the churches, when Mr. Nott said if they would put in a few lines which he read or wrote, he would consent, and the moderator asked S. Bourne, if he was willing? he replied, "The council can put in what they please, but Mr. Nott must put in nothing." Upon this reply the moderator wrote the following: "That all past grievances are considered as settled, and all future grievances are to be issued according to covenant obligations." It was passed around among all parties and explained, and the moderator asked Mr. Swift if he agreed to it, and he replied, "Certainly, for I have never had any grievance with the other church." Mr. Bigelow said he was afraid the article was not understood. The moderator who wrote the clause said there was something between the churches that ought to be considered a grievance—those votes of the church were unwise, indiscreet and uncalled for—and this was to be considered as settled, and with his explanation the debate ceased and the union took place.*

We have the result of the council, and the whole may be read; the only remaining material part of it is in these words: "Voted, that the members of the said Trinitarian Church be incorporated with the Congregational Church, possessing all the rights and privileges of the existing Congregational Church."

After the union of the two churches, the church held a Saturday evening prayer meeting, and it was fully attended, and there was much harmony and good feeling manifested. The next Saturday evening we met again, and the house was crowded, and there was much interest manifested.—After meeting, a brother said, I think we should do well to have another meeting during the week. Another said I think it would be well to have a Wednesday evening meeting in the school house, that the public might attend—(our Saturday evening prayer meetings were understood to be for the church.) Another said, perhaps we had better have a church meeting first, and take no new measures unless the whole church sanction it, and this was immediately agreed upon, and S. Bourne was requested to hand in a notice (which he did) for a meeting of church members, and Mr. Nott asked him what he wanted a meeting for, and he told him to talk over our affairs generally, and he asked if we wanted him there, and Mr. Bourne (supposing he did not wish to attend,) answered no. Neither he nor the other brethren had any objection to his being present at the meeting, and he was mistaken if he thought we wished him not to attend. At the meeting of the church members we were surprised to find but three of Mr. Nott's particular friends, which seemed to interfere with our original design of having the whole church together. We talked upon religious subjects till towards night, when we adjourned one week, hoping all would attend; and agreed to invite the absent members personally. As yet we knew no reason why they did not attend. At the adjourned meeting these three were absent, and all the rest of Mr. Nott's particular friends, except one male and one female. We were now much disappointed and began to suspect that a part had been advised to stay at home. We however spent the afternoon in such a manner that the particular friend of Mr. Nott said we had had a good meeting, and if we could have more such meetings he should come. We are sure that all was right at this meeting, but suspect an evil report was made to Mr. Nott. Some of the subjects which he says we discussed, none of us can recollect, but are prepared to deny.

Before we adjourned, we voted unanimously to have a regular church meeting upon important business, (our object was to get all the male members together.) Mr. Bourne was directed to hand Mr. Nott the notice.—He did so, and Mr. Nott declined reading it, unless he would so alter it as to make public the business.† Mr. Bourne told him it was a vote of the church members, and therefore he had no right to alter it, and requested him again to read it as it was; but Mr. Nott did not read it. This excited some feeling in the brethren, and about a dozen met that evening who seemed displeased, and thought the minister had treated them unkindly in not allowing them to meet in the capacity of a church. After much rea-

* pp. 87, 88, 125, 126.

† p. 69.

soning, we agreed that Mr. Bourne should call upon Mr. Nott for an explanation, and so alter the notice as he should think proper; he did so, and he altered it by striking out "important business" and substituting "to see what will promote the prosperity of the church." This notice he read the next Sabbath, and in connection an *extraordinary paper* half as long as a sermon, and exhibiting much excitement.* Mr. Bourne requested this paper might be referred to the church meeting, which he said should be done.—Several of us conversed, and could not understand the movement Mr. Nott seemed to be making; however, we agreed to go to the meeting and be careful not to vote on any doubtful questions; for some of us had learned that he had a wish to get the Trinitarians out of the church again. Our Saturday evening meetings have never since been attended by Mr. Nott's particular friends, although we have kept them up to the present time; but there seems to be a strong influence exerted against them, for what reason we know not.

Feb. 23, 1844, the church met, and a singular meeting it was. The Pastor had pen, ink and paper, and wrote down what was said, as a lawyer takes evidence in court, and when Mr. Bourne tried to make some observations, the Pastor declared him out of order, and he took his seat. The Pastor now began to reprimand the Trinitarians for breaking their covenant, &c., when he put a question to Mr. Bourne (who was not one of the Trinitarians,) who told him that, having been declared out of order, he could not speak until excused; he excused him, and Mr. Bourne said that the agreement before the council had no reference to the pastor. That question has been tried at three church meetings before the council were called, and the Trinitarians would not unite with us under such an agreement, and the council explained the agreement which they made as applying to the two churches and not to the pastor. None of the Trinitarians spoke upon this subject, and said but little on any subject—they certainly said nothing against the pastor. Mr. Hamblin, a particular friend of the pastor's, said we had not touched the subject yet; "the question he should like to see tried was, who is for the pastor and who is against him? And I make that as a motion." The pastor said it was a very proper question, but not in a proper form, and he would put it in writing for him—he did write it, and Mr. Bourne went to the table and looked at it—then went to Mr. Hamblin and told him it was in proper form, and if he would move it he (Mr. Bourne) would second it. Mr. Hamblin hesitated, and Mr. Bourne moved it, and Mr. Hamblin or some one else of the old church, and not of the Trinitarians seconded it, and then Mr. Nott said, "*you have all got to answer yea or nay to this question*"—and he had a list of names prepared for that purpose—a thing never before done in this church.

The vote was to request the parish to give the pastor a six months' notice; sixteen answered *yea*, and *seven* nay. Mr. Bodfish said he had not been called, and Mr. Nott told him he was *no voter*—he demanded his right to vote, but Mr. Nott refused to receive it. Mr. Bourne appealed—Mr. Nott refused to put the appeal, and Mr. Bourne requested the appeal and refusal to be entered upon the records, and Mr. Nott said they should be. Mr. Bodfish was a member in full communion, and there was no censure or complaint against him before the church.†

The meeting was then adjourned to March 1st, 1844, at which meeting Mr. Nott read a protest against the nine brethren who had been of the Trinitarian church, and who voted on the above occasion, which was *pointed* and *severe*.‡ In the mean time, the parish officers having been furnished with a copy of the last vote of the church, reported that they had lost their legal existence and could not act. Whereupon the church voted, "That this church concur with the vote of the first parish in Wareham, passed March 7th, 1842, and also with the notice which the pastor, Rev. Samuel Nott, Jr., presented the Parish Committee, dated April 20, 1843, and that a committee of three persons be appointed to unite with the several parties in calling a council for the dismission of said pastor, and that they be authorized to call an *ex parte* council, if a mutual council be denied.

Voted, that brethren S. Bourne, A. Barrows, and B. Fearing (neither of whom were of the Trinitarian Church) be the committee on the above vote; passed 16 to 8, Mr. Bodfish being forbid voting as in the previous meeting.

Thus have we given our testimony, which we think is "faithful and true," and it is now to be inquired whether there has been any ecclesiastical or other offence rightly chargeable upon the nine brethren in that they voted "*yea*" upon the question of Mr. Nott's dismission, when called upon by him to vote upon that question, regularly moved and seconded in the church, without their wish or agency. And

* p. 89.

† p. 97.

‡ pp. 97—100.

we begin by saying—this is the very first instance we have known or heard of in which the exercise of acknowledged christian or ecclesiastical privileges has been charged as an offence. When these brethren were united to this church by result of council and vote of the church, they were, by the act of union, incorporated into our church, and “to enjoy all the privileges which the other members enjoyed.” We have before shown, from the platform and the law, that to the church belongs the power of calling their pastors and dismissing them.—This is done by vote, and the right of voting belongs to all the members of the church in full communion. If to vote for the dismissal of a pastor be an ecclesiastical offence, the pastors are safe and the church can never dismiss them.

But we understand that Mr. Nott relies upon the declaration in the result of council—“that all past grievances are considered as settled,” as an agreement that the new members were not to vote for his dismissal.

This declaration proceeds both from the mouth of the *old* members and the *new*, and the whole sixteen are as much chargeable with the supposed offence as the *nine*—and if it is intended to include the pastor, it proceeds from *his* mouth also. There were grievances; very severe and improper votes had been passed by the church against these brethren when they were members in full communion, and when no complaint had been preferred against them, and this grievance was now settled. There was no *personal* difficulty between them and Mr. Nott. They had been dissatisfied with his *preaching* and *procedure*, but they had not proposed to leave the church until the church threatened their excommunication*—a sad act, and contrary to true church order, not authorized by any accusations, and disapproved of by the church, at the time of union.

It is quite certain that this settlement of difficulties had no reference to the matter of their dissatisfaction with the *preaching* and *procedure* of Mr. Nott.† He had *not* altered—they knew he was the *same*, and he knew it, and he could not suppose they had made an agreement to be satisfied with that which he knew they were dissatisfied with.

It will be perceived by the facts we have stated that he wished they might so agree, but they refused to do so. The resolutions which were offered in the church upon their petition to unite, were intended so to bind them, but the church refused to pass them. These resolutions are on record in this manner:

“Memo. of votes suggested to church Sept. 8, 1843, moved and seconded and on record, voted or provided for by a substitute.”

Before the council also, Mr. Roberts asked these brethren whether any thing was altered, that they now wished to return? they answered, “Some things were altered, and others not—the majority of the church that threatened their excommunication had altered, but their views of Mr. Nott’s preaching had not altered.” One of the council said he feared the article was not understood: the moderator replied, there was something between the churches which ought to be considered a grievance—the votes of the church were unwise, indiscreet, and uncalled for, and this was to be considered as settled, and upon this the debate ceased and the union took place. Mr. Nott wished the church to put such a restriction upon the council, but the church rejected it, and when Mr. Nott *protested* that they had broken their agreement by voting for his dismissal, Rev. Dr. Robbins, the moderator of the council, was written to, and he replied, “The council neither did nor said anything to my knowledge with regard to the preaching and procedure of Mr. Nott.” (See his letters which will be produced.)‡

Again, “Mr. Nott received the Trinitarian members as Christian brethren, and as subjects of his pastoral charge, but this pastoral relation gives no authority over a brother in any way of discipline, only with the concurrence of the brethren.”

“The Trinitarian members were received as individual Christian professors, much the same as persons recommended from other churches.”

“I never conceived, and I presume it was the case with all the members of the council, that any pledges in regard to future action were given, on any part, than what belong to all Christian brethren.”

The pastors and delegates from *four* churches out of the seven, which comprised that council, agree to Dr. Robbins’s explanation. A delegate from the fifth church when asked how he understood it, replied, “It was my intention, and I presume the rest of the council, to replace these members into the Congregational church, with all the rights and privileges which they enjoyed in the church before they left it.”

* p. 39, (3.)

† pp. 125, 126.

‡ p. 155.

If the clause in the result means all that Mr. Nott contends for, the nine brethren acted right in the circumstances under which they were placed. They and their friends sought a church meeting for the express purpose of becoming more active as a church in matters of religious practice, from the purest Christian motives and feeling; by reason of the critical position in which they stood and the jealous eyes that were upon them, they ventured not to increase the number of their prayer meetings without consulting the whole church, and striving to secure unanimity of feeling and action.* Their first surprise was that the pastor would not read their notice, without much persuasion. The pastor's particular friends were kept at home.

Again and again the majority of the church were not allowed to have a church meeting: and at last, when they were permitted to meet Feb. 23, they had agreed not to move or vote on any doubtful questions, and the talk at church meeting was between Mr. Nott and other members of the church—the Trinitarians being unusually reserved in speaking—the declaration that the agreement did not include the pastor was not made by them, but by Mr. Bourne, who was not one of them;—they did not move the question. A particular friend of Mr. Nott moved the question of dismission, and Mr. Nott said "it was a very proper question, but not in proper form, and he would put it in writing;" he did so, and when in writing, and moved and seconded without the aid or participation of these Trinitarians, Mr. Nott said with much energy, "*you have got to answer yea or nay to this.*" If the motion was improper, or if it ought not to have been made, why did he say it was *very proper*, and write it for a friend? If here was *sin*, who caused the sin to be committed? Who promoted it? They were now "driven to the wall." A motion is *written, read and seconded without their wish or agency*, and they are required by the pastor to answer *yea or nay*. It is clear and manifest as the day light, that *they ought to have voted as they did vote*, that is to say, *according to their consciences*. If they had no right so to vote, they had *no right to vote at all*. If this be not so, the privilege is a mockery. If Mr. Nott believed that, by voting *conscientiously*, they might violate a covenant obligation, why did he compel them to vote? Was it that he might protest against them afterwards for the purpose of taking away their right of voting? Why did he not treat them as he did Mr. Bodfish, tell them *they were no voters and he should not receive their votes*? What premeditation was here? Time seems to have been taken to *devise and plan*—we will not say *ensnare*. A list of names prepared before hand, by which to call the *yeas and nays*, (a thing never before done in this church.) What shall be said when the council are informed that in a short hour afterwards Mr. Nott told one of the assessors he "*found them met together with an intention to talk and do nothing, but he had made them do something, and here it is,*" handing him a copy of the vote.

This vote for the dismission of Mr. Nott had other grounds beside old grievances. He had acted *very strangely*, to say the least. He had rejected the vote of their brother Bodfish, a member in full communion, free from censure and accusation, much to their grief, and as they thought, and as we think, very unjustly and in violation of a privilege secured by the platform;† and we see what this claim has since come to—he since rejects all their votes and the votes of seven others, because they voted for his dismission, and without any accusation in the church against them.‡ He had frowned upon their religious meetings, and had refused to call a church meeting, and consented at last with much importunity. The question was *forced upon them by Mr. Nott himself*, "Do you say *yea or nay* to this motion for my dismission?" "Yea." If this was an offence then what does the uniting council say?—"All future grievances are to be issued according to Covenant obligations." What are these? The discipline according to the law of Christ, is well known. Did he apply it? Contrarywise, he drew up a protest and signed it,§ and sent it all over town for signatures of male and female members of the church, declaring that a great offence had been committed, and then read it before all the church with his commentaries. He afterwards preached against them severely, threatened to suspend the Sacrament on their account, and refused to submit the question to the uniting council, insisting upon a council of his own selection, some of whom we knew had already advised him what he should do.|| "Is this proceeding according to Covenant obligations?" Far otherwise. We have reason to believe that none of the church, except Mr. Nott, considered this vote given by the nine brethren as an offence. They answered them in conversation in a manner which showed they were willing to commune with them, and we think the whole

* p. 95, bottom.

† p. 97.

‡ pp. 122—127.

§ pp. 97, 100, 123, (2).

|| pp. 101, 172.

matter would have been settled among ourselves, but for Mr. Nott's interference, reminding them of the *protest* which they had signed. The brethren went so far as to offer to reconsider the vote; but Mr. Nott said this would not do; he had other things against them, and they must sign a certificate, (the effect of which was that they must always be satisfied with him, or the council which he had selected must be called, and it must be laid before them.") When the church afterwards voted to concur with the parish in dismissing him and proposed a mutual council, they proposed to him to have the matter submitted to such council as might then be called; this he also *positively refused to consent to*. He then called his *ex parte* council to try this very question, and that council assembled here in Wareham and heard all Mr. Nott had to say on the subject. The brethren made no reply, but awaited the sentence. The result has not been made known.† Mr. Nott has been silent on the subject of the proceedings of that council, and we believe they found nothing against the brethren. Here, it would seem, this matter should have ended.

In view of these facts nothing can be propounded to the minds of the brethren of this church more *preposterous and absurd* than to charge the Trinitarian brethren with having committed an offence in their answer to Mr. Nott's directions in the church to answer, *yea or nay*. He finds it necessary to go back and trace a *design* in this, both on their coming *into the church*, and in *attending the meetings of the church*. And questionless, to make this affair an offence, an *evil design* must be proved; but the design is *wholly disavowed by the brethren, upon their consciences, as Christians*, and we are fearless of the result when we say—no such design existed, and no such design can be proved. A jealous mind may think it sees signs of such a design in this or that act or vote. But we know of no act of theirs which a candid and intelligent mind would trace to such a design, and if any such are attempted to be proved, the explanation is at hand. Something more than *suspicion* is necessary, before we pass judgment and sentence of condemnation against a fellow Christian.

Mr. Nott has been dismissed from his office of pastor of this church: who shall reinstate him? Will this council inquire whether or not some of the brethren ought or not to have voted for his dismission? And if they do, and think they ought not to have voted, what is to be done? Will this council *nullify the vote of the church* or the result of their council which advised it, and say we have not dismissed him? The majority is decisive, and he may be again dismissed to-morrow. How long shall this state of things continue to the destruction of Orthodox Church order in Wareham? Will the council confirm Mr. Nott as a minister of the parish here, who have dissolved their connection with him, and leave him here with a Unitarian Society just now‡ organized, and who will not themselves say they can support him without the aid of the church and her friends, and compel this church, who have dismissed him, to acknowledge him as their pastor? Are there any principles of wisdom or Congregationalism which point to this course? How long is this controversy to continue? Shall the sword devour forever? Is there any hope that Mr. Nott will convert the church to his views? Far otherwise. The church may *expire*, but *cannot again acknowledge him as their pastor*.§

A considerable number of ecclesiastical councils have convened here. How many more shall convene? How long shall the neighboring churches be *troubled with our troubles*? If we are not altogether mistaken in the facts we have stated, (and we think we are mistaken in no material fact), if we have any right understanding of Congregational order, if religious peace and enjoyment be above all worldly value, and if the rights and privileges of private Christians are to be preserved and protected,—then it is most manifest that the time has fully come when the church of Wareham ought to be delivered from its long continued trials and distresses.

What a picture of the condition of the Congregational church and people in this place do the following facts and statistics present! How much short of *total prostration* is our condition?||

Mr. Nott settled here in 1829, having 305 tax paying parishioners. Of this number 153 have either deceased or removed from town, leaving 152 now here. Of this number, 38 were Mr. Nott's adherents, and 24 opponents. Now 26 adherents and 36 opponents, and 90 have left and joined the Methodists and Baptists, principally because they were dissatisfied with Mr. Nott's *preaching and procedure*.

At the present time, there are 411 parishioners in town. The First Parish has but 92 of these who approve of Mr. Nott (and many of these refuse to pay), and 37 open opponents (we speak of the *old parish*, the new organization never has had

* pp. 102, 103.

† p. 114.

‡ pp. 101, 102, 173.

§ p. 171.

|| pp. 61, 66, 173.

but 47 members, and about 15 of these have left). The other 282 parishioners have left the parish entirely, and worship with the Methodists and Baptists.*

The objection to Mr. Nott has been more against his *procedure* than *preaching*; that is, his management in seasons of revivals, he opposing them, and calling them *spurious*; and mark the consequences.

The Rev. Mr. Everett preached 25 years before there were any revivals, and received 56 to his church, or two and one-fourth per annum. In 1808, Mr. Everett changed his *procedure*, and preached 12 years, and received 109 to his church, or nine per annum.

Rev. Mr. Hemmenway and his church followed Mr. Everett's last *procedure*, and preached 7 years, and received 60 to his church, or eight and one-half per annum.

Rev. Mr. Nott followed, with his church, two and a half years, and received 38 to his church, or 15 per annum. After two and a half years, he came out with his *new procedure*, and has since received 34 to his church, being two and a half per annum.

Our youngest male member is about 45 years old, and we fear the church will soon become extinct.

When Mr. Nott changed his *procedure*, and came out openly against revivals,† the young converts set up for themselves in a Methodist church, beginning with half a dozen, they now have 160 church members, in good and regular standing, who will compare with any church for exemplary conduct. We cannot keep our children and young friends from their meetings, nor from joining their church, without exercising greater authority than is customary for parents to exercise in similar circumstances‡

There is also a Reformed Methodist society in town (formed since that period), of 30 members; and also a Baptist society, having 30 church members. There are 350 church members, male and female, in town. Mr. Nott has 130, the other churches 220.

If we compare the males only, Mr. Nott has 34, the other churches 87. Of those, 21 signed the paper, which will be exhibited, in favor of Mr. Nott's dismission.

Fourteen signed the *protest* of which we have spoken, of whom three subsequently *signed the other paper*, in favor of his dismission. The protest was also signed by two members since deceased. Others are very aged, and do not attend meeting, and others decline acting in these troublesome times.

Active church members who attend the church meetings on these occasions are sixteen against Mr. Nott, and seven for him.

We beseech this council to consider what the tendency of this state of things is, and whether it be not *exceedingly desirable* that the ancient and prosperous church of Christ in Wareham should have something more than a name to live—something more than a sad remembrance of what she *has been*. There is now but a *remnant*; and if the hand of ecclesiastical domination is continued to be held over *this remnant*, even this may be scattered. Death and the destroyer will leave us nothing. The neighbor churches can then only say, with the old prophet, "Alas, my brother!"

SILVANUS BOURNE,	} Committee of the First	
BENJAMIN FEARING,		
ABISHAI BARROWS,		
		Church of Christ in Wareham.

* i. e. more than double the number worship with the Methodists and Baptists than worship in the Congregational meeting-house!!

† pp. 12, 172.

‡ pp. 65, 66.

LEGAL OPINION.*

[Reprinted from the copy laid before the Mutual Council, Sept. 23, 1845.]

THE undersigned, having as lawyers given their opinion that the pastoral connection between the Rev. Mr. Nott and the First Parish in Wareham, was dissolved by the vote of the parish March 7, 1842, and the expiration of six months thereafter, without any reconsideration of the vote in the meantime, and being now called upon to give our reasons for our opinion, we give the following, which we deem conclusive:

I. May 25, 1829, the parish voted that—"the conditions under which the parish agree to *settle Mr. Nott*, are that Mr. Nott shall have the liberty of *dissolving the contract* by giving the parish six months' notice, and the parish reserve the liberty of *dissolving the contract* by giving Mr. Nott six months' notice."

March 7, 1842, the parish, being regularly convened by virtue of a warrant fully authorising parochial action upon the subject, voted—"The First Parish in Wareham give the Rev. Samuel Nott, Jr. notice that *his connection with said Parish be dissolved* at the end of six months from this date."† After which time he was to look to those who might choose voluntarily to employ and pay him; and it appears that Mr. Nott received notice of this vote. It seems to us that nothing can be more manifest than that a dissolution of the pastoral connection was contemplated by the agreement, and that the vote of the parish was passed in pursuance of that agreement. *Ex vi termini*, the very thing was done which was provided by the agreement to be done in order to dissolve the civil relation between them as pastor and people.‡

We have heard it intimated that the agreement and vote related to the salary only. Far otherwise. The parish agreed to *settle Mr. Nott*, and the *contract of settlement* was to be dissolved by six months' notice. When the notice should be given and the six months should elapse, the *contract of settlement* was to be dissolved, and by the vote the *connection* was dissolved, in terms, the six months having elapsed. Thus all *legal* civil relations between them was at an end.

There was an *ecclesiastical* relation still remaining, which has indeed a very slight hold upon the parish, being nothing but what the law of courtesy and congregational usage provide for the benefit of a pastor who leaves his people in order that his ministerial and Christian character may not be thereby injuriously affected. This is to be dissolved, at the election of the pastor, by uniting with the church and calling a mutual council, who are to pronounce upon his dismissal, and give him such testimonials of his ministerial and Christian standing as shall appear to them to be advisable. This very laudable usage is wholly for the benefit of the pastor, and the church takes care that he shall not be deprived of this privilege when he may choose to exercise it. But it is a privilege and a personal benefit which he may *waive* and not exercise at all, or which he may suspend acting upon, as he may see fit. The parish have no reason to wish for an ecclesiastical council, in a case like this, when the contract of settlement is dissolved in pursuance of their express agreement with him, and if *he* does waive or suspend his request for a council, no law, human or divine, will allow a man to obtain an advantage from his own negligence or neglect.

* Compare Protest p. 105-112, and the Summary pp. 156-163 and p. 166.

† p. 58.

‡ See p. 158 (2.)

It has been said that an act of the church, assenting to the vote of the parish, was necessary. Not so, in respect to this *civil or legal* connection. The parish and Mr. Nott had a legal right to make the *contract of settlement*, and to provide for its *dissolution*, as they have done. But a parish cannot by law, make an agreement which shall bind itself or its members, at the option of any other person or body of men civil or ecclesiastical. Such a contract would be merely void. The *action of the church* was provided for, in order that the *ecclesiastical* connection might be dissolved, at the election of Mr. Nott, according to the usages of the Congregational churches. As Mr. Nott did not request the action of the church, he cannot now set up the *rights of the church* to prevent the legal operation of the vote which dissolved his pastoral relation.

We only add that it appears by the papers shown us that Mr. Nott *received of the parish*, the full amount of his salary up to the seventh of September, 1842, when the six months terminated, and when his legal relation to the parish ceased.*

If however a council and the assent of the church, at all affects the civil relation, such assent has been had and such a council been convoked, and they have pronounced upon his dismissal, as will hereinafter be mentioned.

II. Thus far we think the matter is clear and incontrovertible. But it has been suggested that, though the pastoral connection has been *dissolved*, yet the parish have *renewed* it. But it seems to us very clear, first, that they have not renewed it; secondly, that they had not power to renew it without the consent of the church, and thirdly, that the action of the parish which is relied upon, is of no legal validity or force whatever.

March 7, 1842, the parish voted that the connection should be dissolved in six months; that time expired September 7, 1842.

1. Thus the contract or connection was dissolved, the six months having elapsed, without any further action of the parish, except communicating the vote to Mr. Nott, which was also done. The dissolution was no longer *executory*, but it was *executed*. The time had elapsed within which they might have *reconsidered their vote*, and prevented its operation; but after that time, a reconsideration would have been of no avail, though in that case there was no reconsideration of the vote at all; the vote to dissolve the connection is still in force and has not been rescinded.

2. After September 7, 1842, there remained no power in the parish by which the *dead, dissolved* connection could be restored and brought to life. A connection *dissolved* is annihilated; is nothing. A new connection might be formed, but it must be formed in the manner agreed upon between the church and parish February 18, 1829; by which it is provided that the church are to select the candidate, and the church and parish, that is a majority of each, must give the call to settle. This is a legal agreement, as held by the Supreme Judicial Court, being in full accordance with Congregational usage. But that a parish which calls a minister for a year or ten years only and then the contract of settlement to cease, should be holden by the contract after that time till the church should assent, is not law, nor is it Congregationalism. No new pastoral connection could be entered into without the assent of both. The parish alone could not resume or renew the pastoral connection; they could *destroy* it or *dissolve* it, as they have done, but without the assent of the church they could not renew it.

It has been intimated that the parish might *renew* the *contract*, though they could not the *connection*. But is there any thing in this distinction? Mr. Nott is *settled* on condition that the parish may *dissolve the contract* by six months' notice. The vote is that the *connection be dissolved* in six months. It is the *contract of settlement*, which is contemplated, and the dissolution of the *connection* put an end to the *settlement*. We think the *vote* rightly expounds the *contract* which includes both the pastoral relation and the pecuniary consideration.

All this seems to us very clear, and after Mr. Nott had made an agreement of this kind with the *parish*, and the notice is given, we think he is *concluded*, and cannot be allowed, but is *estopped* to set up that the contract continued till the church should concur. If he made an agreement which dispensed with the action of the church, the church may complain, but he is estopped, and his mouth is shut. As to the action of the church, and its effects, we reserve the consideration of this to the next point of view in which we have considered the subject.

3. It is said the parish, July 31, 1843, voted to *resume* the contract with Mr. Nott under a salary less than the settlement salary.

Supposing this vote to be the *legal act* of the parish (which we think it is not,) it

* See p. 58 and 159.

cannot have the effect to *resettle* Mr. Nott, who had been *unsettled*, and his connection with the parish dissolved by the vote of March 7, 1842, and the lapse of six months thereafter. For we have shown that this would require the act of the *church* as well as the act of the *parish*. The act of the parish *alone* could not reinstate him as pastor. Undoubtedly a parish may bind itself to pay a salary or sum of money for ministerial labors without the assent of the church, and so far (if this were a legal parish act), it might bind the parish, but would not authorise Mr. Nott to claim the immunities of a minister *settled* over the church and parish of Wareham. But

III. We do not think that the vote which is relied on is the *legal act of the parish*, but are of the opinion that it is wholly invalid, merely void.

The vote is (July 31, 1843,) that the parish resume their original contract with Rev. S. Nott, Jr., except they give him \$700 instead of \$800

The circumstances under which this vote was passed are given at length in the statement of facts shown to us. It seems Mr. Nott was dissatisfied to stay in Wareham under temporary grants or subscriptions, and addressed the parish in a written communication of great length,* and that two parish meetings were, in consequence held in the summer of 1843, and well attended by the parishioners, which resulted in no action at all on the part of the parish. That afterwards the parish assessors, though chosen for two successive years, had not been qualified, nor had any tax been made or granted, and the parish clerk himself had not been qualified. These unqualified assessors issued a warrant for a parish meeting, and some parishioners assembled, and a regular protest was made at the meeting against the legality of it, but that a few persons, notwithstanding, voted for the measure here relied on, and far more did not vote at all because they knew the people were so assembled that they could not do any legal act as a parish. It also appears that Mr. Nott knew that the parishioners considered this vote as illegal and unwarranted.

This vote was not followed up by any measures on the part of the parish, granting or assessing money to fulfil or perform any contract with Mr. Nott, and subsequently (February 29, 1844,) the assessors and clerk, conscious that they were not legal parish officers, applied to a justice of the peace to issue his warrant to organize the parish by choosing parish officers, which was accordingly done; they also having before, when applied to by the church, as parish officers, February 23, declined to act and wholly disclaiming to be qualified as such.

Under these circumstances, we are of the opinion that the meeting of July 31, 1843, (by which a vote was passed resuming the contract,) could not bind the parish or parishioners by that vote. For two years they had had no qualified assessors, and when a meeting assembled which they called, the legality of it was denied in open meeting, and the people, probably the most of them assembled, declined voting, and many who voted were not legal voters, and the clerk himself was not qualified to make a valid record.†

It is said the assessors were officers *de facto*—i. e. were acting *as* assessors, and their acts may thus be valid as respects third persons. But clearly their acts are not valid or binding, when the parishioners appear at the meeting and call in question their authority, as was done in this case.

It is said they were formerly officers—assessors—and so had a right to *hold over* till others were chosen. But there is a reasonable limitation to *holding over*, especially when the same officers are re-elected. It is their duty, if they mean to accept the choice, to be qualified forthwith, and it would encourage public officers to neglect this duty, to the public detriment, if they might, year after year, for an indefinite length of time, continue to occupy places of great trust without being under the solemn engagement provided by law in such cases.

But we think this *holding over* provided by law, was intended for the public convenience, so that for the mere mischance of a year getting by before others should be chosen in their stead, the corporate body might not be without officers, and that the courts of law would not sanction an attempt to *hold over* after the lapse of two public meetings in two successive years for the choice of officers, and in a case where officers are chosen, but neglect to qualify themselves.

The statute contemplates that there may be neglect of the parish to *choose* officers, and of those who shall be chosen to qualify themselves, and that a re-organization may become necessary to any valid parochial action; it therefore provides that the parishioners may apply to a justice of the peace, and obtain a warrant for that pur-

* See p. 59.

† See p. 160-162.

pose. In this case, the officers chosen so considered it, and therefore *declined to hold over*—declined to act for the parish when applied to by the church, and forthwith signed a petition to a justice to issue his warrant for organizing the parish by the choice of proper officers, which was done, and the officers were duly chosen and qualified in March, 1844. Thus both the officers and the parish, by their action, declared that, in 1843, when the objectionable meeting was held, *they were without any parish officers* qualified to call that meeting.

There is still another view of the facts in this case which we deem conclusive, and on which we rely with satisfaction, because it is supported by ecclesiastical as well as civil proceedings.

The vote of the parish dissolving their connection with Mr. Nott was March 7, 1842. Mr. Nott replied that he would be content with the subscriptions till he *should give notice to the contrary*. He *did give notice to the contrary*, in express terms, and that he considered his contract must end October 20, 1843, "unless the parish should see cause to check the operations of his letter of April 20, 1843." No legal action of the parish took place to check the operation of that letter; and indeed the parish did no legal valid act till March, 1844, when they chose parish officers under a justice's warrant. Thus not only according to the terms of the settlement, the parish gave Mr. Nott notice of its dissolution in March, 1842, but Mr. Nott also gave the parish notice of its dissolution to take place in October 20, 1843, also according to the terms of the contract.*

The church, finding that not only the *parish* by their vote, but Mr. Nott, by his letter, had dissolved the pastoral relation, and put an end to the *legal or civil* connection between them, took measures, February 23, 1844, in a reasonable and proper time, to put an end also to the *ecclesiastical* connection. They concurred with the parish, and also with the pastor's notice, and offered them and him a mutual council, and when this was not accepted, they convoked an *ex parte* council for that purpose, which, in full accordance with what they thought *expediency*, as well as *duty*, required, did dissolve all ecclesiastical connection between Mr. Nott and the First Church and Parish, in the town of Wareham, the council expressly finding that the contract for the support of the pastor had become void and unanimously voting that the *pastoral relation was dissolved*.

The undersigned are therefore fully of the opinion, that according to the agreement when Mr. Nott was settled, the parish put an end to the whole contract of settlement in September 7, 1842, six months after their notice of March 7, 1842, and he was then no longer their minister, and that the vote of July 31, 1843, was not a legally authorized vote, and could not, if legal, resettle him; that he himself put an end to the contract of settlement, (if the parish had not before put an end to it,) October 20, 1843, by his letter of April 20, and one subsequent to that time, and that when the church concurred in these proceedings, and convoked an ecclesiastical council, according to congregational order, and that council ratified these proceedings, and not only *advised* but *pronounced the dismissal*, the question is not now an *open* one whether he be or not *now* the pastor of the church, and minister of the parish, in Wareham, but has been decided already by a competent tribunal, with all the requisite forms, both civil and ecclesiastical.

April 30, 1845.

ZECHARIAH EDDY,
TIMO. G. COFFIN.

* See p. 159 (3) and 160 (a) and (6.)

WAREHAM, APRIL 2, 1846.

The following brethren (of the sixteen) came forward in public meeting, and declared their readiness to acknowledge Mr. Nott as the regularly settled Pastor—as settled 1829—the decision of the *ex parte* Council of 1844 being considered as annihilated.

(Signed) SILVANUS BOURNE,
ABISHAI BARROWS,
BENJ. FEARING,

and nine others—four being absent on account of sickness and infirmity.

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